

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SECOND GENERAL ASSEMBLY

112TH LEGISLATIVE DAY

WEDNESDAY, NOVEMBER 20, 2002

12:30 O'CLOCK P.M.

No. 112
[Nov. 20, 2002]

The Senate met pursuant to adjournment.
Honorables James "Pate" Philip, Wood Dale, Illinois, presiding.
Prayer by Pastor Donald Pritchard, Zion Lutheran Church, Pleasant
Plains, Illinois.
Senator Radogno led the Senate in the Pledge of Allegiance.

Senator W. Jones moved that reading and approval of the Journal
of Tuesday, November 19, 2002 be postponed pending arrival of the
printed Journal.
The motion prevailed.

EXCUSED FROM ATTENDANCE

On motion of Senator Demuzio, Senator Ronen was excused from
attendance today and Thursday, November 21, 2002, due to illness.

MESSAGE FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT

JAMES "PATE" PHILIP
SENATE PRESIDENT

November 20, 2002

Jim Harry
Secretary of the Senate
401 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to the provisions of Senate Rules 3-1 and 3-2, I am
hereby appointing Senator Laura Kent Donahue to the vacant position
on the Senate Executive Committee created by the resignation of
Senator Walter Dudycz, effective immediately.

Sincerely

s/James "Pate" Philip
Senate President

CC: Senator Donahue
Senator E. Jones

REPORTS FROM STANDING COMMITTEES

Senator Cronin, Chairperson of the Committee on Education to
which was referred House Bills numbered 1445 and 1839 reported the
same back with amendments having been adopted thereto, with the
recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Cronin, Chairperson of the Committee on Education, to
which was referred Senate Joint Resolution No. 82 reported the same
back with the recommendation that the resolution be adopted.

Under the rules, Senate Joint Resolution 82 was placed on the
Secretary's Desk.

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Senator Petka, Vice-Chairperson of the Committee on Executive to which was referred Senate Bill No. 2424 reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

Senator Petka, Vice-Chairperson of the Committee on Executive to which was referred House Bills numbered 4588 and 5159 reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Petka, Vice-Chairperson of the Committee on Executive to which was referred House Bill No. 2098 reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Petka, Vice-Chairperson of the Committee on Executive to which was referred the following Senate floor amendment, reported that the Committee recommends that it be adopted:

Amendment No. 1 to House Bill 800

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Peterson, Chairperson of the Committee on Revenue to which was referred House Bills numbered 2742 and 2744 reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Peterson, Chairperson of the Committee on Revenue to which was referred House Bill No. 1264 reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Peterson, Chairperson of the Committee on Revenue to which was referred the following Senate floor amendments, reported that the Committee recommends that they be approved for consideration:

Amendment No. 1 to House Bill 1268

Amendment No. 1 to House Bill 1273

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Syverson, Vice-Chairperson of the Committee on Transportation to which was referred House Bills numbered 3797 and 5222 reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

EXCUSED FROM ATTENDANCE

On motion of Senator Weaver, Senators Geo-Karis and Klemm were excused from attendance due to illness.

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COMMITTEE MEETING CANCELLED

Senator Lauzen, Chairperson of the Committee on Commerce and Industry announced that the Commerce and Industry Committee meeting scheduled in Room 212, Capitol Building at 2:00 o'clock p.m., has been cancelled.

Senator Karpriel asked and obtained unanimous consent to recess for the purpose of a Republican caucus.

LEGISLATIVE MEASURES FILED

The following floor amendments to the House Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 2 to House Bill 1273
Senate Amendment No. 1 to House Bill 2742

At the hour of 1:04 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 2:15 o'clock p.m., the Senate resumed consideration of business.

Honorable James "Pate" Philip, President of the Senate, presiding.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 7

WHEREAS, Throughout history brave Americans have shed their blood during wars and conflicts to preserve, protect, and defend the foundation of the principles of democracy and freedom; and

WHEREAS, Many of those that have served have been the brave men and women of the State of Illinois; and

WHEREAS, In every military conflict and national time of need since 1818, the brave men and women of the State of Illinois have risen to the cause of defending democracy; and

WHEREAS, These brave men and women often left behind family, friends, farms, and businesses, and many of them were never to return, making the ultimate sacrifice for their country; and

WHEREAS, With the signing of the Armistice ending the "War to End All Wars", WWI, on November 11, 1918, the veterans of Illinois were given a holiday of solemn remembrance and thanks from their countrymen, which later came to be known as Veterans Day; and

WHEREAS, The people of the great State of Illinois wish to thank those numerous veterans for their sacrifices and service; and

WHEREAS, On August 7, 1782, General George Washington established

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the Military Badge of Merit, which on February 22, 1932 became the Purple Heart medal, now the oldest military decoration in the world; and

WHEREAS, The Purple Heart medal is awarded to military personnel who are killed or wounded in action against the enemy; and

WHEREAS, The General Assembly seeks to commemorate Illinois residents who have been awarded the Purple Heart by requesting the Illinois Department of Transportation to place signs in the appropriate locations to identify the Purple Heart Memorial Highway; and

WHEREAS, E.J. "Zeke" Giorgi was first elected to the House of Representatives in 1964, and he served in that position until his passing in 1993; and

WHEREAS, From his first term through his service as "Dean of the House", Zeke Giorgi served the people of this State with great distinction, and he is remembered by his colleagues on both sides of the aisle for providing invaluable guidance and leadership on many important issues; and

WHEREAS, During all the years that Zeke Giorgi served in the House, he drove between Springfield and his Rockford legislative district on U.S. Highway 51 and was a strong advocate for Route 51 improvements, which were completed in several stages; and

WHEREAS, Following the completion of improvements to U.S. Route 51, the highway was designated as Interstate Highway 39; and

WHEREAS, Interstate Highway 39 provides an essential transportation corridor between Rockford and Bloomington and other parts of Central Illinois; and

WHEREAS, We wish to permanently commemorate Zeke Giorgi's essential role in creating this critically needed highway and his abiding impact on the lives of the people of Illinois; and

WHEREAS, Thomas William Davenport was a licensed civil engineer with the Illinois Department of Transportation; on April 16, 1992, he was killed by a drunk driver north of his home in Chatham, Illinois; and

WHEREAS, Thomas Davenport was a son, brother, husband, and father; and

WHEREAS, Thomas Davenport, working with the Illinois Department of Transportation, assisted with the building of the bridge on South Chatham Road that crosses Interstate 72 and Illinois Route 36; and

WHEREAS, The bridge is located on South Chatham Road in Springfield, Illinois, and is used as an overpass for Interstate 72 and Illinois Route 36; and

WHEREAS, The General Assembly seeks to remember Thomas William Davenport by requesting the Illinois Department of Transportation to place signs in the appropriate locations to identify the Thomas William Davenport Memorial Bridge; and

WHEREAS, The members of the House were saddened to learn of the death of Mayor Ken Hayes of Bradley; and

WHEREAS, He was elected mayor in 1981 and was re-elected in 1985, 1989, 1993, and 1997; and

WHEREAS, He was born in Limestone Township on August 30, 1924, the son of Patrick and Catherine Hayes; the family moved to Bradley when he was three months old, and until his death he lived in the house that his father bought; and

WHEREAS, He attended St. Joseph's Grammar School and Bradley-Bourbonnais Community High School; he served in the United States Army's 83rd Division, 331st Infantry, Company L during World War II; he won the Silver Star, the Bronze Star with clusters for meritorious service, a Good Conduct medal, the European Theatre of Operations medal for five campaigns, and the Croix de Guerre for

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service to France; and

WHEREAS, When he returned from war, Ken Hayes became a precinct captain and then a committeeman; he was elected vice-chairman of the Democratic Central Committee in Kankakee County in 1966 and served in that role until 1972, when he was elected central committee chairman; and

WHEREAS, When he arrived home from the Army, he worked in the pipefitter's union local until he had a heart attack in 1963, which led him to quit his trade; he went to work inspecting seed for the Illinois Department of Agriculture; and

WHEREAS, He later went to work for the Illinois Secretary of State and retired with a disability pension after a heart bypass operation in 1978; and

WHEREAS, He was the founder of the Area Jobs Development Association; was active in scouting, golfing, and the Bradley Lions; and was a life member of the Bradley V.F.W.; and

WHEREAS, Under Mayor Hayes' strong leadership, the Village of Bradley experienced unprecedented commercial and retail growth, producing large increases in sales tax revenue for Bradley; and

WHEREAS, He was a member of the Loyal Order of the Moose Lodge of Bradley, one of the vice presidents of the Illinois Municipal League, and a member of the Mayors Association; and

WHEREAS, Much of the commercial growth and development that Kenneth P. Hayes worked for occurred along Illinois Route 50; and

WHEREAS, The General Assembly seeks to remember the loss of Kenneth P. Hayes by requesting the Illinois Department of transportation to place signs in the appropriate locations identifying the Kenneth P. Hayes Memorial Highway; and

WHEREAS, The Korean War has played an important part in American history, and the veterans of the Korean War have earned the respect and admiration of all people; and

WHEREAS, An armed conflict began in June of 1950 and ended in July of 1953; it exacted a heavy toll: 33,629 Americans were killed in action and 20,617 died of injuries or disease; and

WHEREAS, The Korean War began when the United Nations urged UN members to repel the Communist aggressors in Korea; in July of 1950 the UN Security Council recommended that member nations contributing to the defense of South Korea make their troops available to a unified command headed by the United States; and

WHEREAS, It is appropriate for us to remember the many sacrifices and contributions to the cause of freedom made by the outstanding men and women who served in the Korean War; and

WHEREAS, There are bridges on Illinois Route 51 in Decatur, Macon County, Illinois, known as Route 51 Bridge Number 058-0010 Northbound and Bridge Number 058-0049 Southbound; and

WHEREAS, The General Assembly seeks to commemorate the contributions of Korean War Veterans by requesting the Illinois Department of Transportation to place signs in the appropriate locations identifying the Korean War Veterans Memorial Bridge; and

WHEREAS, Ronald Wilson Reagan was born on February 6, 1911, in Tampico, Illinois, the son of Nellie and John Reagan; and

WHEREAS, Ronald Reagan and his family in 1915 moved to Galesburg, Illinois, and he began his formal education at Silas Willard School; and

WHEREAS, Ronald Reagan and his family then moved to Monmouth, Illinois, and resided in that fair community during his formative years from 1917-1919, and where he attended Monmouth Central School; and

WHEREAS, When Ronald Reagan was 9 years of age, the family settled in Dixon, Illinois, where at Dixon High School he played

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football and basketball, ran track, served as president of the student body, and first performed as an actor; and

WHEREAS, Ronald Reagan graduated from Eureka College in 1932 with a degree in economics and sociology; and

WHEREAS, From humble beginnings, Ronald Reagan went on to become a sportscaster, actor, Governor of California, and President of the United States; and

WHEREAS, Ronald Reagan was elected President of the United States in 1980; a favorite of the American populace, he was elected to a second term in 1984; and

WHEREAS, Ronald Wilson Reagan, the 40th President of the United States, warrants a public tribute as a son of Illinois; and

WHEREAS, In 1999, portions of Illinois Route 172 and 92 from Tampico to Illinois Route 26 and the portions of Illinois Route 26, Illinois Route 29, and U.S. Route 24 from Dixon to Eureka were designated as the Ronald Reagan Trail by Senate Joint Resolution 3; and

WHEREAS, The cities of Princeton, Galesburg, and Monmouth were essential in the upbringing of Ronald Reagan and should be included in the Ronald Reagan Trail; and

WHEREAS, The General Assembly seeks to commemorate the accomplishments achieved by Ronald Reagan by requesting the Illinois Department of Transportation to place signs in the appropriate locations identifying the Ronald Reagan Trail; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that Interstate 74, traversing through the heart of Illinois is designated as the Veterans Memorial Parkway, in honor of the veterans of the State of Illinois; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect appropriate plaques along this route in recognition of the Veterans Memorial Parkway; and be it further

RESOLVED, That Interstate 72, traversing through the heart of Illinois, be designated as the commemorative Purple Heart Memorial Highway, to pay tribute to the many thousands of Illinois residents who have been awarded the Purple Heart medal; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the Purple Heart Memorial Highway; and be it further

RESOLVED, That the portion of Interstate Highway 39 commencing at its point of origin in Winnebago County and ending at its intersection with Interstate Route 88 be designated the E.J. "Zeke" Giorgi Highway; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect appropriate plaques or signs giving notice of the E.J. "Zeke" Giorgi Highway; and be it further

RESOLVED, That the bridge on South Chatham Road, spanning Interstate 72 and Illinois Route 36, is named the Thomas William Davenport Memorial Bridge; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect, at a suitable location consistent with State and federal regulations, an appropriate plaque or signs giving notice of the Thomas William Davenport Memorial Bridge; and be it further

RESOLVED, That Illinois Route 50 in Bradley, Illinois, from North Street to Larry Power Road, is designated as the Kenneth P. Hayes Memorial Highway; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect appropriate signs or plaques giving notice of the Kenneth P. Hayes Memorial Highway; and be it further

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RESOLVED, That in recognition of the 50th Anniversary of the Korean Conflict, Route 51 Bridge Number 058-0010 Northbound and Bridge Number 058-0049 Southbound be named Korean War Veterans Memorial Bridge; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect, at suitable locations consistent with State and federal regulations, appropriate plaques or signs giving notice of the Korean War Veterans Memorial Bridge; and be it further

RESOLVED, That the Ronald Reagan Trail is extended to include those portions of U.S. Route 34 from the City of Princeton, through the City of Galesburg, to the City of Monmouth; and be it further

RESOLVED, That the Illinois Department of Transportation, in accordance with applicable State and federal laws and rules and in cooperation with units of local government, is requested to erect appropriate signs, markers, or plaques along the extended portions of the Ronald Reagan Trail in recognition of this designation; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Secretary of the U.S. Department of Transportation; the Illinois Secretary of Transportation; the family of E.J. "Zeke" Giorgi; the family of Thomas William Davenport; and to the family of Mayor Ken Hayes.

Adopted by the House, May 31, 2002.

ANTHONY D. ROSSI, Clerk of the House

The foregoing message from the House of Representatives, reporting House Joint Resolution No. 7, was referred to the Committee on Rules.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 83

WHEREAS, The General Assembly takes pride in recognizing the accomplishments and contributions of Illinois officials and citizens; and

WHEREAS, The General Assembly, as an august body, exercises discerning judgement in resolutions to cite the noted achievements of a select few individuals, especially when bestowing one of the highest methods of recognition by the State; and

WHEREAS, In recognition of the lasting legacies and many sacrifices that Justice Michael Bilandic and Justice Benjamin Miller have made for the citizenry of the State of Illinois, the General Assembly would like to recognize these individuals with the rare honor of naming respective public buildings after these former State officials; and

WHEREAS, Justice Michael A. Bilandic served as a first lieutenant in the Marine Corps during World War II in the Pacific theater, was a former Master in Chancery of the Circuit Court of Cook County and a Special Assistant Attorney General, became a Chicago Alderman in 1969, became Mayor of the City of Chicago in 1976, was elected to Illinois' First District Appellate Court in 1984 and to a 10-year term on the Illinois Supreme Court in 1990, and was selected by his fellow justices to a 3-year term as Chief Justice of the Illinois Supreme Court; and

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WHEREAS, Justice Bilandic performed extraordinarily in all 3 executive, legislative, and judicial roles in his career of public service; and he tapped his incredible talent and skill of statesmanship to further the interests of the citizens of the State of Illinois; and he was an active and energetic civic leader; and

WHEREAS, Justice Benjamin K. Miller began serving as Circuit Court Judge in Illinois for the 7th Judicial Circuit in 1976, was the Presiding Judge in that Circuit's criminal felony division, and was in 1981 the Chief Judge of the 7th Judicial Circuit; and he was elected in 1982 to the Fourth District Appellate Court and elected to the Illinois Supreme Court in 1984, and was Chief Justice of the Illinois Supreme Court from 1991 to 1994; and

WHEREAS, Justice Miller served the judicial branch wisely at all 3 levels of the Illinois court system, wrote numerous landmark judicial opinions, made noble contributions to jurisprudence, and served his profession, the citizens, and the State of Illinois with integrity and distinction; and

WHEREAS, These individuals have made vital contributions of service and merit to the State of Illinois and to the State's citizens and deserve to have their achievements noted and remembered by current and future generations, as they are honored by the General Assembly today; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we rename the State of Illinois Building at 160 North La Salle Street in Chicago in honor of Justice Michael Bilandic; and in implementing this honor, we designate that State building as the Justice Michael Bilandic State of Illinois Building; and be it further

RESOLVED, That we rename the 4th District Appellate Court Building at 201 West Monroe Street in Springfield in honor of Justice Benjamin Miller; and in implementing this honor, we designate that court building as the Justice Benjamin Miller 4th District Appellate Court Building; and be it further

RESOLVED, That suitable copies of this preamble and resolution be presented to Justice Benjamin Miller and to the family of Justice Michael Bilandic; and be it further

RESOLVED, That suitable copies of this preamble and resolution be presented to the Director of Central Management Services, the Chief Justice of the Illinois Supreme Court, and other operating authorities for the cited buildings.

Adopted by the House, May 31, 2002.

ANTHONY D. ROSSI, Clerk of the House

The foregoing message from the House of Representatives, reporting House Joint Resolution No. 83, was referred to the Committee on Rules.

INTRODUCTION OF BILLS

SENATE BILL NO. 2432. Introduced by Senator Obama, a bill for AN ACT relating to public utilities.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2433. Introduced by Senator Obama, a bill for AN ACT concerning public utilities.

The bill was taken up, read by title a first time, ordered

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printed and referred to the Committee on Rules.

At the hour of 2:20 o'clock p.m., Senator Watson presiding.

CONSIDERATION OF GOVERNOR'S VETO MESSAGES

Pursuant to Motion in Writing filed on November 4, 2002 and journalized November 19, 2002, Senator Cullerton moved that Senate Bill No. 1756 do pass, the veto of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

Yeas 37; Nays 9; Present 3.

The following voted in the affirmative:

Bomke
Bowles
Brady
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Lauzen
Lightford
Link
Madigan
Mahar
Molaro
Munoz
Obama
O'Malley
Petka
Radogno
Roskam
Shadid
Silverstein
Stone
Sullivan
Trotter
Viverito
Walsh
Welch
Woolard
Mr. President

The following voted in the negative:

Donahue
Jones, W.

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Karpiel
Myers
O'Shea
Rauschenberger
Sieben
Watson
Weaver

The following voted present:

Dillard
Luechtefeld
Shaw

This bill, having received the vote of three-fifths of the members elected, was declared passed, the veto of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Pursuant to Motion in Writing filed and journalized on November 19, 2002, Senator Philip moved to accept the Governor's specific recommendations for change to Senate Bill No. 1583.

And on that motion, a call of the roll was had resulting as follows:

Yeas 53; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Brady
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama

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O'Malley
O'Shea
Peterson
Petka
Radogno
Rauschenberger
Roskam
Rupley
Shadid
Shaw
Sieben
Silverstein
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh
Watson
Weaver
Welch
Woollard
Mr. President

The motion prevailed.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Pursuant to Motion in Writing filed on November 7, 2002 and journalized November 19, 2002, Senator DeLeo moved to accept the Governor's specific recommendations for change to Senate Bill No. 1622.

And on that motion, a call of the roll was had resulting as follows:

Yeas 52; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Brady
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpel
Lauzen
Lightford

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Link
 Luechtefeld
 Madigan
 Mahar
 Molaro
 Munoz
 Myers
 Obama
 O'Malley
 O'Shea
 Peterson
 Petka
 Radogno
 Rauschenberger
 Roskam
 Rupley
 Shadid
 Shaw
 Sieben
 Silverstein
 Stone
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh
 Watson
 Weaver
 Welch
 Woollard
 Mr. President

The motion prevailed.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Pursuant to Motion in Writing filed and journalized on November 19, 2002, Senator Bomke moved to accept the Governor's specific recommendations for change to Senate Bill No. 1657.

And on that motion, a call of the roll was had resulting as follows:

Yeas 53; Nays None.

The following voted in the affirmative:

Bomke
 Bowles
 Brady
 Burzynski
 Clayborne
 Cronin
 Cullerton
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Halvorson
 Hawkinson

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Hendon
 Jacobs
 Jones, E.
 Jones, W.
 Karpel
 Lauzen
 Lightford
 Link
 Luechtefeld
 Madigan
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Malley
 O'Shea
 Peterson
 Petka
 Radogno
 Rauschenberger
 Roskam
 Rupley
 Shadid
 Shaw
 Sieben
 Silverstein
 Stone
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

The motion prevailed.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Pursuant to Motion in Writing filed on November 7, 2002 and journalized November 19, 2002, Senator Link moved that **Senate Bill No. 2160** do pass, the veto of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

Yeas 45; Nays 3; Present 1.

The following voted in the affirmative:

Bomke
 Bowles
 Brady
 Burzynski
 Clayborne

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Cronin
Cullerton
DeLeo
del Valle
Demuzio
Donahue
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Lightford
Link
Luechtefeld
Madigan
Mahar
Molaro
Munoz
Noland
Obama
O'Malley
O'Shea
Peterson
Petka
Radogno
Roskam
Rupley
Shadid
Shaw
Sieben
Silverstein
Trotter
Viverito
Walsh
Watson
Weaver
Welch
Woolard
Mr. President

The following voted in the negative:

Myers
Rauschenberger
Stone

The following voted present:

Dillard

This bill, having received the vote of three-fifths of the members elected, was declared passed, the veto of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Pursuant to Motion in Writing filed and journalized on November 19, 2002, Senator Bomke moved that Senate Bill No. 2117 do pass, the specific recommendations of the Governor to the contrary

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notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

Yeas 34; Nays 17.

The following voted in the affirmative:

Bomke
Brady
Burzynski
Cronin
DeLeo
Demuzio
Dillard
Donahue
Hawkinson
Jones, W.
Karpel
Lauzen
Link
Luechtefeld
Madigan
Mahar
Myers
Noland
Obama
O'Malley
O'Shea
Peterson
Petka
Radogno
Rauschenberger
Roskam
Rupley
Sieben
Stone
Sullivan
Syverson
Watson
Weaver
Mr. President

The following voted in the negative:

Bowles
del Valle
Halvorson
Hendon
Jacobs
Jones, E.
Lightford
Munoz
O'Daniel
Shadid
Shaw
Silverstein
Trotter
Viverito
Walsh

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Welch
Woolard

The motion having failed to receive the vote of three-fifths of the members elected was lost.

Pursuant to Motion in Writing filed and journalized on November 19, 2002, Senator Burzynski moved that Senate Bill No. 2155 do pass, the specific recommendations of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

Yeas 31; Nays 20.

The following voted in the affirmative:

Bomke
Brady
Burzynski
Dillard
Donahue
Hawkinson
Jacobs
Jones, W.
Karpel
Luechtefeld
Mahar
Munoz
Noland
O'Malley
O'Shea
Peterson
Petka
Rauschenberger
Roskam
Rupley
Shadid
Sieben
Stone
Sullivan
Syverson
Walsh
Watson
Weaver
Welch
Woolard
Mr. President

The following voted in the negative:

Bowles
Cullerton
DeLeo
del Valle
Demuzio
Halvorson
Hendon
Jones, E.
Lauzen

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Lightford
Link
Madigan
Molaro
Obama
O'Daniel
Radogno
Shaw
Silverstein
Trotter
Viverito

The motion having failed to receive the vote of three-fifths of the members elected was lost.

READING BILL OF THE SENATE A SECOND TIME

On motion of Senator Lauzen, Senate Bill No. 2424 having been printed, was taken up, read by title a second time and ordered to a third reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Philip, House Bill No. 1264 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Revenue, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1264 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 355 and adding Section 360 as follows:

(35 ILCS 200/10-355)

Sec. 10-355. Fraternal organization assessment freeze.

(a) For the taxable year 2002 and thereafter, the assessed value of real property owned and used by a fraternal organization that on December 31, 1926 had its national headquarters in Illinois or that was chartered in Illinois in ~~July--1896~~ February 1898, or its subordinate organization or entity, that is exempt under Section 501(c)(8) of the Internal Revenue Code and whose members provide, directly or indirectly, financial support for charitable works, which may include medical care, drug rehabilitation, or education, shall be established by the chief county assessment officer as follows:

(1) if the property meets the qualifications set forth in this Section on January 1, 2002 and on January 1 of each subsequent assessment year, for assessment year 2002 and each subsequent assessment year, the final assessed value of the property shall be 15% of the final assessed value of the property for the assessment year 2001; or

(2) if the property first meets the qualifications set forth in this Section on January 1 of any assessment year after assessment year 2002 and on January 1 of each subsequent assessment year, for that first assessment year and each subsequent assessment year, the final assessed value shall be 15% of the final assessed value of the property for the assessment year in which the property first meets the qualifications set forth in this Section.

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If, in any year, additions or improvements are made to property subject to assessment under this Section and the additions or improvements would increase the assessed value of the property, then 15% of the final assessed value of the additions or improvements shall be added to the final assessed value of the property for the year in which the additions or improvements are completed and for all subsequent years that the property is eligible for assessment under this Section.

(b) For purposes of this Section, "final assessed value" means the assessed value after final board of review action.

(c) Fraternal organizations whose property is assessed under this Section must annually submit an application to the chief county assessment officer on or before (i) January 31 of the assessment year in counties with a population of 3,000,000 or more and (ii) December 31 of the assessment year in all other counties. The initial application must contain the information required by the Department of Revenue, which shall prepare the form, including:

(1) a copy of the organization's charter from the State of Illinois, if applicable;

(2) the location or legal description of the property on which is located the principal building for the organization, including the PIN number, if available;

(3) a written instrument evidencing that the organization is the record owner or has a legal or equitable interest in the property;

(4) an affidavit that the organization is liable for paying the real property taxes on the property; and

(5) the signature of the organization's chief presiding officer.

Subsequent applications shall include any changes in the initial application and shall affirm the ownership, use, and liability for taxes for the year in which it is submitted. All applications shall be notarized.

(d) This Section does not apply to parcels exempt from property taxes under this Code.

(Source: P.A. 92-388, eff. 1-1-02.)

(35 ILCS 200/10-360 new)

Sec. 10-360. Fraternal organization assessment freeze.

(a) For the taxable year 2003 and thereafter, the assessed value of real property owned and used by a fraternal organization or its affiliated Illinois not for profit corporation chartered prior to 1920 that is an exempt entity under Section 501(c)(2), 501(c)(8) or 501(c)(10) of the Internal Revenue Code and whose members provide, directly or indirectly, financial support for charitable works, which may include medical care, drug rehabilitation, or education, shall be established by the chief county assessment officer as follows:

(1) if the property meets the qualifications set forth in this Section on January 1, 2003 and on January 1 of each subsequent assessment year, for assessment year 2003 and each subsequent assessment year, the final assessed value of the property shall be 15% of the final assessed value of the property for the assessment year 2002; or

(2) if the property first meets the qualifications set forth in this Section on January 1 of any assessment year after assessment year 2003 and on January 1 of each subsequent assessment year, for that first assessment year and each subsequent assessment year, the final assessed value shall be 15% of the final assessed value of the property for the assessment year in which the property first meets the qualifications set forth in this Section.

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If, in any year, additions or improvements are made to property subject to assessment under this Section and the additions or improvements would increase the assessed value of the property, then 15% of the final assessed value of the additions or improvements shall be added to the final assessed value of the property for the year in which the additions or improvements are completed and for all subsequent years that the property is eligible for assessment under this Section.

(b) For purposes of this Section, "final assessed value" means the assessed value after final board of review action.

(c) Fraternal organizations or their affiliated not for profit corporations whose property is assessed under this Section must annually submit an application to the chief county assessment officer on or before (i) January 31 of the assessment year in counties with a population of 3,000,000 or more and (ii) December 31 of the assessment year in all other counties. The initial application must contain the information required by the Department of Revenue, which shall prepare the form, including:

(1) the location or legal description of the property on which is located the principal building for the organization, including the PIN number, if available;

(2) a written instrument evidencing that the organization or not for profit corporation is the record owner or has a legal or equitable interest in the property;

(3) an affidavit that the organization or not for profit corporation is liable for paying the real property taxes on the property; and

(4) the signature of the organization's or not for profit corporation's chief presiding officer.

Subsequent applications shall include any changes in the initial application and shall affirm the ownership, use, and liability for taxes for the year in which it is submitted. All applications shall be notarized.

(d) This Section does not apply to parcels exempt from property taxes under this Code.

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Burzynski, House Bill No. 1445 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Education, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1445 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 14-7.03 as follows:

(105 ILCS 5/14-7.03) (from Ch. 122, par. 14-7.03)

Sec. 14-7.03. Special Education Classes for Children from Orphanages, Foster Family Homes, Children's Homes, or in State Housing Units. If a school district maintains special education classes on the site of orphanages and children's homes, or if children from the orphanages, children's homes, foster family homes, other State agencies, or State residential units for children attend classes for children with disabilities in which the school district is a participating member of a joint agreement, or if the children

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from the orphanages, children's homes, foster family homes, other State agencies, or State residential units attend classes for the children with disabilities maintained by the school district, then reimbursement shall be paid to eligible districts in accordance with the provisions of this Section by the Comptroller as directed by the State Superintendent of Education.

The amount of tuition for such children shall be determined by the actual cost of maintaining such classes, using the per capita cost formula set forth in Section 14-7.01, such program and cost to be pre-approved by the State Superintendent of Education.

On forms prepared by the State Superintendent of Education, the district shall certify to the regional superintendent the following:

(1) The name of the home or State residential unit with the name of the owner or proprietor and address of those maintaining it;

(2) That no service charges or other payments authorized by law were collected in lieu of taxes therefrom or on account thereof during either of the calendar years included in the school year for which claim is being made;

(3) The number of children qualifying under this Act in special education classes for instruction on the site of the orphanages and children's homes;

(4) The number of children attending special education classes for children with disabilities in which the district is a participating member of a special education joint agreement;

(5) The number of children attending special education classes for children with disabilities maintained by the district;

(6) The computed amount of tuition payment claimed as due, as approved by the State Superintendent of Education, for maintaining these classes.

If a school district makes a claim for reimbursement under Section 18-3 or 18-4 of this Act it shall not include in any claim filed under this Section a claim for such children. Payments authorized by law, including State or federal grants for education of children included in this Section, shall be deducted in determining the tuition amount.

Nothing in this Act shall be construed so as to prohibit reimbursement for the tuition of children placed in for profit facilities. Private facilities shall provide adequate space at the facility for special education classes provided by a school district or joint agreement for children with disabilities who are residents of the facility at no cost to the school district or joint agreement upon request of the school district or joint agreement. If such a private facility provides space at no cost to the district or joint agreement for special education classes provided to children with disabilities who are residents of the facility, the district or joint agreement shall not include any costs for the use of those facilities in its claim for reimbursement.

Reimbursement for tuition may include the cost of providing summer school programs for children with severe and profound disabilities served under this Section. Claims for that reimbursement shall be filed by November 1 and shall be paid on or before December 15 from appropriations made for the purposes of this Section.

The State Board of Education shall establish such rules and regulations as may be necessary to implement the provisions of this Section.

Claims filed on behalf of programs operated under this Section housed in a jail, ~~or~~ detention center, or county-owned shelter care facility shall be on an individual student basis only for eligible

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students with disabilities. These claims shall be in accordance with applicable rules.

Each district claiming reimbursement for a program operated as a group program shall have an approved budget on file with the State Board of Education prior to the initiation of the program's operation. On September 30, December 31, and March 31, the State Board of Education shall voucher payments to group programs based upon the approved budget during the year of operation. Final claims for group payments shall be filed on or before July 15. Final claims for group programs received at the State Board of Education on or before June 15 shall be vouchered by June 30. Final claims received at the State Board of Education between June 16 and July 15 shall be vouchered by August 30. Claims for group programs received after July 15 shall not be honored.

Each district claiming reimbursement for individual students shall have the eligibility of those students verified by the State Board of Education. On September 30, December 31, and March 31, the State Board of Education shall voucher payments for individual students based upon an estimated cost calculated from the prior year's claim. Final claims for individual students for the regular school term must be received at the State Board of Education by July 15. Claims for individual students received after July 15 shall not be honored. Final claims for individual students shall be vouchered by August 30.

Reimbursement shall be made based upon approved group programs or individual students. The State Superintendent of Education shall direct the Comptroller to pay a specified amount to the district by the 30th day of September, December, March, June, or August, respectively. However, notwithstanding any other provisions of this Section or the School Code, beginning with fiscal year 1994 and each fiscal year thereafter through fiscal year 2002, if the amount appropriated for any fiscal year is less than the amount required for purposes of this Section, the amount required to eliminate any insufficient reimbursement for each district claim under this Section shall be reimbursed on August 30 of the next fiscal year, and the payments required to eliminate any insufficiency for prior fiscal year claims shall be made before any claims are paid for the current fiscal year. Notwithstanding any other provision of this Section or this Code, beginning with fiscal year 2003, total reimbursement under this Section in any fiscal year is limited to the amount appropriated for that purpose for that fiscal year, and if the amount appropriated for any fiscal year is less than the amount required for purposes of this Section, the insufficiency shall be apportioned pro rata among the school districts seeking reimbursement.

The claim of a school district otherwise eligible to be reimbursed in accordance with Section 14-12.01 for the 1976-77 school year but for this amendatory Act of 1977 shall not be paid unless the district ceases to maintain such classes for one entire school year.

If a school district's current reimbursement payment for the 1977-78 school year only is less than the prior year's reimbursement payment owed, the district shall be paid the amount of the difference between the payments in addition to the current reimbursement payment, and the amount so paid shall be subtracted from the amount of prior year's reimbursement payment owed to the district.

Regional superintendents may operate special education classes for children from orphanages, foster family homes, children's homes or State housing units located within the educational services region upon consent of the school board otherwise so obligated. In electing to assume the powers and duties of a school district in providing and maintaining such a special education program, the regional

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superintendent may enter into joint agreements with other districts and may contract with public or private schools or the orphanage, foster family home, children's home or State housing unit for provision of the special education program. The regional superintendent exercising the powers granted under this Section shall claim the reimbursement authorized by this Section directly from the State Board of Education.

Any child who is not a resident of Illinois who is placed in a child welfare institution, private facility, foster family home, State operated program, orphanage or children's home shall have the payment for his educational tuition and any related services assured by the placing agent.

Commencing July 1, 1992, for each disabled student who is placed residentially by a State agency or the courts for care or custody or both care and custody, welfare, medical or mental health treatment or both medical and mental health treatment, rehabilitation, and protection, whether placed there on, before, or after July 1, 1992, the costs for educating the student are eligible for reimbursement under this Section providing the placing agency or court has notified the appropriate school district authorities of the status of student residency where applicable prior to or upon placement.

The district of residence of the parent, guardian, or disabled student as defined in Sections 14-1.11 and 14-1.11a is responsible for the actual costs of the student's special education program and is eligible for reimbursement under this Section when placement is made by a State agency or the courts. Payments shall be made by the resident district to the district wherein the facility is located no less than once per quarter unless otherwise agreed to in writing by the parties.

When a dispute arises over the determination of the district of residence, the district or districts may appeal the decision in writing to the State Superintendent of Education. The decision of the State Superintendent of Education shall be final.

In the event a district does not make a tuition payment to another district that is providing the special education program and services, the State Board of Education shall immediately withhold 125% of the then remaining annual tuition cost from the State aid or categorical aid payment due to the school district that is determined to be the resident school district. All funds withheld by the State Board of Education shall immediately be forwarded to the school district where the student is being served.

When a child eligible for services under this Section 14-7.03 must be placed in a nonpublic facility, that facility shall meet the programmatic requirements of Section 14-7.02 and its regulations, and the educational services shall be funded only in accordance with this Section 14-7.03.

(Source: P.A. 92-597, eff. 7-1-02.)

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Cronin, House Bill No. 1839 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Education, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1839 by replacing everything

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after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 3A-6 as follows:

(105 ILCS 5/3A-6) (from Ch. 122, par. 3A-6)

Sec. 3A-6. Election of Superintendent for consolidated region - Bond - Vacancies in any educational service region.

(a) The regional superintendent to be elected under Section 3A-5 shall be elected at the time provided in the general election law and must possess the qualifications described in Section 3-1 of this Act.

(b) The bond required under Section 3-2 shall be filed in the office of the county clerk in the county where the regional office is situated, and a certified copy of that bond shall be filed in the office of the county clerk in each of the other counties in the region.

(c) When a vacancy occurs in the office of regional superintendent of schools of any educational service region which is not located in a county which is a home rule unit, such vacancy shall be filled within 60 days (i) by appointment of the chairman of the county board, with the advice and consent of the county board, when such vacancy occurs in a single county educational service region; or (ii) by appointment of a committee composed of the chairmen of the county boards of those counties comprising the affected educational service region when such vacancy occurs in a multicounty educational service region, each committeeman to be entitled to one vote for each vote that was received in the county represented by such committeeman on the committee by the regional superintendent of schools whose office is vacant at the last election at which a regional superintendent was elected to such office, and the person receiving the highest number of affirmative votes from the committeemen for such vacant office to be deemed the person appointed by such committee to fill the vacancy. The appointee shall be a member of the same political party as the regional superintendent of schools the appointee succeeds was at the time such regional superintendent of schools last was elected. The appointee shall serve for the remainder of the term. However, if more than 28 months remain in that term, the appointment shall be until the next general election, at which time the vacated office shall be filled by election for the remainder of the term. Nominations shall be made and any vacancy in nomination shall be filled as follows:

(1) If the vacancy in office occurs before the first date provided in Section 7-12 of the Election Code for filing nomination papers for county offices for the primary in the next even-numbered year following commencement of the term of office in which the vacancy occurs, nominations for the election for filling the vacancy shall be made pursuant to Article 7 of the Election Code.

(2) If the vacancy in office occurs during the time provided in Section 7-12 of the Election Code for filing nomination papers for county offices for the primary in the next even-numbered year following commencement of the term of office in which the vacancy occurs, the time for filing nomination papers for the primary shall not be more than 91 days nor less than 85 days prior to the date of the primary.

(3) If the vacancy in office occurs after the last day provided in Section 7-12 of the Election Code for filing nomination papers for county offices for the primary in the next even-numbered year following commencement of the term of office in which the vacancy occurs, a vacancy in nomination shall be deemed to have occurred and the county central committee of each established political party (if the vacancy occurs in a single

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county educational service region) or the multi-county educational service region committee of each established political party (if the vacancy occurs in a multi-county educational service region) shall nominate, by resolution, a candidate to fill the vacancy in nomination for election to the office at the general election. In the nomination proceedings to fill the vacancy in nomination, each member of the county central committee or the multi-county educational service region committee, whichever applies, shall have the voting strength as set forth in Section 7-8 or 7-8.02 of the Election Code, respectively. The name of the candidate so nominated shall not appear on the ballot at the general primary election. The vacancy in nomination shall be filled prior to the date of certification of candidates for the general election.

(4) The resolution to fill the vacancy shall be duly acknowledged before an officer qualified to take acknowledgments of deeds and shall include, upon its face, the following information: (A) the name of the original nominee and the office vacated; (B) the date on which the vacancy occurred; and (C) the name and address of the nominee selected to fill the vacancy and the date of selection. The resolution to fill the vacancy shall be accompanied by a statement of candidacy, as prescribed in Section 7-10 of the Election Code, completed by the selected nominee, a certificate from the State Board of Education, as prescribed in Section 3-1 of this Code, and a receipt indicating that the nominee has filed a statement of economic interests as required by the Illinois Governmental Ethics Act.

The provisions of Sections 10-8 through 10-10.1 of the Election Code relating to objections to nomination papers, hearings on objections, and judicial review shall also apply to and govern objections to nomination papers and resolutions for filling vacancies in nomination filed pursuant to this Section. Unless otherwise specified in this Section, the nomination and election provided for in this Section is governed by the general election law.

Except as otherwise provided by applicable county ordinance or by law, if a vacancy occurs in the office of regional superintendent of schools of an educational service region that is located in a county that is a home rule unit and that has a population of less than 2,000,000 inhabitants, that vacancy shall be filled by the county board of such home rule county.

On or after August 7, 1995, if a vacancy occurs in the office of regional superintendent of schools of an educational service region that is located in a county that is a home rule unit and that has a population of 2,000,000 or more inhabitants, then that vacancy shall be filled by the first assistant superintendent/deputy superintendent until the end of the term to which the regional superintendent was elected. ~~Until July 1, 1994, if a vacancy occurs in the office of regional superintendent of schools of an educational service region that is located in a county that is a home rule unit and that has a population of 2,000,000 or more inhabitants, that vacancy shall be filled by the county board of that home rule county unless otherwise provided by applicable county ordinance or by law. On and after July 1, 1994, the provisions of this Section shall have no application in any educational service region that is located in any county, including a county that is a home rule unit, if that educational service region has a population of 2,000,000 or more inhabitants.~~

Any person appointed to fill a vacancy in the office of regional superintendent of schools of any educational service region must possess the qualifications required to be elected to the position of regional superintendent of schools, and shall obtain a certificate of

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eligibility from the State Superintendent of Education and file same with the county clerk of the county in which the regional superintendent's office is located.

If the regional superintendent of schools is called into the active military service of the United States, his office shall not be deemed to be vacant, but a temporary appointment shall be made as in the case of a vacancy. The appointee shall perform all the duties of the regional superintendent of schools during the time the regional superintendent of schools is in the active military service of the United States, and shall be paid the same compensation apportioned as to the time of service, and such appointment and all authority thereunder shall cease upon the discharge of the regional superintendent of schools from such active military service. The appointee shall give the same bond as is required of a regularly elected regional superintendent of schools.

(Source: P.A. 92-277, eff. 8-7-01.)

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Donahue, House Bill No. 2098 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2098 by replacing the title with the following:

"AN ACT in relation to courts."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Clerks of Courts Act is amended by changing Section 15 as follows:

(705 ILCS 105/15) (from Ch. 25, par. 15)

Sec. 15. Any clerk who fails to enter of record any order or judgment of his or her court within 45 days after the same is made or rendered, or any clerk having the duty to forward to the Department of Public Health the record of any judgment of dissolution of marriage or declaration of invalidity of marriage, who wilfully fails to do so within 45 days after the close of the month in which the same is made or rendered, shall be guilty of a petty offense and shall be fined by the court not exceeding \$100, and for any subsequent offense he or she may be fined in a like amount or proceeded against as for a Class A misdemeanor in office and removed from office. In any county of less than 3,000,000 500,000 inhabitants, when it appears to the majority of judges of such court that there are an insufficient number of persons employed in the office of the clerk of the court to properly make the entries in accordance with this Section, the majority of judges of such court shall thereupon determine and fix the number of deputies they find necessary to so properly maintain the records, and their reasonable compensation shall be paid out of the earnings of the office.

(Source: P.A. 83-346.)

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the bill, as amended, was ordered to a third reading.

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On motion of Senator O'Malley, House Bill No. 2742 was taken up read by title a second time.

Floor Amendment No. 1 was filed earlier today and referred to the Committee on Rules.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Philip, House Bill No. 2744 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, House Bill No. 3797 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Transportation, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3797 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 6-104 as follows:

(625 ILCS 5/6-104) (from Ch. 95 1/2, par. 6-104)

Sec. 6-104. Classification of Driver - Special Restrictions.

(a) A driver's license issued under the authority of this Act shall indicate the classification for which the applicant therefor has qualified by examination or by such other means that the Secretary of State shall prescribe. Driver's license classifications shall be prescribed by rule or regulation promulgated by the Secretary of State and such may specify classifications as to operation of motor vehicles of the first division, or of those of the second division, whether operated singly or in lawful combination, and whether for-hire or not-for-hire, and may specify such other classifications as the Secretary deems necessary.

No person shall operate a motor vehicle unless such person has a valid license with a proper classification to permit the operation of such vehicle, except that any person may operate a motorized pedalcycle if such person has a valid current Illinois driver's license, regardless of classification.

(b) No person who is under the age of 21 years or has had less than 1 year of driving experience shall drive: (1) in connection with the operation of any school, day camp, summer camp, or nursery school, any public or private motor vehicle for transporting children to or from any school, day camp, summer camp, or nursery school, or (2) any motor vehicle of the second division when in use for the transportation of persons for compensation.

(c) No person who is under the age of 18 years shall be issued a license for the purpose of transporting property for hire, or for the purpose of transporting persons for compensation in a motor vehicle of the first division.

(d) No person shall drive: (1) a school bus when transporting school children unless such person possesses a valid school bus driver permit or is accompanied and supervised, for the specific purpose of training prior to routine operation of a school bus, by a person who has held a valid school bus driver permit for at least one year; or (2) any other vehicle owned or operated by or for a public or private school, or a school operated by a religious institution, where such vehicle is being used over a regularly scheduled route for the transportation of persons enrolled as a student in grade 12 or below, in connection with any activity of the entities unless such person possesses a valid school bus driver permit.

(d-5) On and after July 1, 2003, no person may drive a bus that

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has been chartered for the sole purpose of transporting students regularly enrolled in grade 12 or below to or from interscholastic athletic or interscholastic or school sponsored activities unless the person has a valid school bus driver permit in addition to any other permit or license that is required to operate that bus. This subsection (d-5) does not apply to any bus driver employed by a public transportation provider authorized to conduct local or interurban transportation of passengers when the bus is not traveling a specific school bus route but is on a regularly scheduled route for the transporting of other fare paying passengers.

(e) No person shall drive a religious organization bus unless such person has a valid and properly classified drivers license or a valid school bus driver permit.

(f) No person shall drive a motor vehicle for the purpose of providing transportation for the elderly in connection with the activities of any public or private organization unless such person has a valid and properly classified driver's license issued by the Secretary of State.

(g) No person shall drive a bus which meets the special requirements for school buses provided in Section 12-801, 12-802, 12-803 and 12-805 of this Code for the purpose of transporting persons 18 years of age or less in connection with any youth camp licensed under the Youth Camp Act or any child care facility licensed under the Child Care Act of 1969 unless such person possesses a valid school bus driver permit or is accompanied and supervised, for the specific purpose of training prior to routine operation of a school bus, by a person who has held a valid school bus driver permit for at least one year; however, a person who has a valid and properly classified driver's license issued by the Secretary of State may operate a school bus for the purpose of transporting persons 18 years of age or less in connection with any such youth camp or child care facility if the "SCHOOL BUS" signs are covered or concealed and the stop signal arm and flashing signal systems are not operable through normal controls.

(Source: P.A. 92-849, eff. 1-1-03.)

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Weaver, House Bill No. 4588 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, House Bill No. 5159 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, House Bill No. 5222 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Transportation, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 5222 by replacing the title with the following:

"AN ACT in relation to vehicles."; and
by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by re-enacting Section 6-301 and changing Sections 6-601 and 15-107 as follows:

(625 ILCS 5/6-301) (from Ch. 95 1/2, par. 6-301)

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Sec. 6-301. Unlawful use of license or permit.

(a) It is a violation of this Section for any person:

1. To display or cause to be displayed or have in his possession any cancelled, revoked or suspended license or permit;
2. To lend his license or permit to any other person or knowingly allow the use thereof by another;
3. To display or represent as his own any license or permit issued to another;
4. To fail or refuse to surrender to the Secretary of State or his agent or any peace officer upon his lawful demand, any license or permit, which has been suspended, revoked or cancelled;
5. To allow any unlawful use of a license or permit issued to him;
6. To submit to an examination or to obtain the services of another person to submit to an examination for the purpose of obtaining a drivers license or permit for some other person.

(b) Sentence.

1. Any person convicted of a violation of this Section shall be guilty of a Class A misdemeanor and shall be sentenced to a minimum fine of \$500 or 50 hours of community service, preferably at an alcohol abuse prevention program, if available.
2. Any person convicted of a second or subsequent violation of this Section shall be guilty of a Class 4 felony.
3. In addition to any other sentence imposed under paragraph 1 or 2 of this subsection (b), a person convicted of a violation of paragraph 6 of subsection (a) shall be imprisoned for not less than 7 days.

(c) This Section does not prohibit any lawfully authorized investigative, protective, law enforcement or other activity of any agency of the United States, State of Illinois or any other state or political subdivision thereof.

(d) This Section does not apply to licenses and permits invalidated under Section 6-301.3 of this Code.

(Source: P.A. 92-647, eff. 1-1-03.)

(625 ILCS 5/6-601) (from Ch. 95 1/2, par. 6-601)

(Text of Section from P.A. 92-622)

Sec. 6-601. Penalties.

(a) It is a petty offense for any person to violate any of the provisions of this Chapter unless such violation is by this Code or other law of this State declared to be a misdemeanor or a felony.

(b) General penalties. Unless another penalty is in this Code or other laws of this State, every person convicted of a petty offense for the violation of any provision of this Chapter shall be punished by a fine of not more than \$500.

(c) Unlicensed driving. Except as hereinafter provided a violation of Section 6-101 shall be:

1. A Class A misdemeanor if the person failed to obtain a driver's license or permit after expiration of a period of revocation.

2. A Class B misdemeanor if the person has been issued a driver's license or permit, which has expired, and if the period of expiration is greater than one year; or if the person has never been issued a driver's license or permit, or is not qualified to obtain a driver's license or permit because of his age.

If a licensee under this Code is convicted of violating Section 6-101 for operating a motor vehicle during a time when such licensee's driver's license was invalid under the provisions of Section 6-110, then conviction under such circumstances shall be

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punishable by a fine of not more than \$25.

If a licensee under this Code is convicted of violating Section 6-303 for operating a motor vehicle during a time when such licensee's driver's license was suspended under the provisions of Section 6-306.3, then such act shall be a petty offense (provided the licensee has answered the charge which was the basis of the suspension under Section 6-306.3), and there shall be imposed no additional like period of suspension as provided in paragraph (b) of Section 6-303.

~~Any person convicted of a violation of subsection 6 of Section 6-301 shall be guilty of a Class B misdemeanor and shall be imprisoned for not less than 7 days.~~

(Source: P.A. 92-622, eff. 1-1-03.)

(Text of Section from P.A. 92-647)

Sec. 6-601. Penalties.

(a) It is a petty offense for any person to violate any of the provisions of this Chapter unless such violation is by this Code or other law of this State declared to be a misdemeanor or a felony.

(b) General penalties. Unless another penalty is in this Code or other laws of this State, every person convicted of a petty offense for the violation of any provision of this Chapter shall be punished by a fine of not more than \$500.

(c) Unlicensed driving. Except as hereinafter provided a violation of Section 6-101 shall be:

1. A Class A misdemeanor if the person failed to obtain a driver's license or permit after expiration of a period of revocation.

2. A Class B misdemeanor if the person has been issued a driver's license or permit, which has expired, and if the period of expiration is greater than one year 6 months; or if the person has never been issued a driver's license or permit, or is not qualified to obtain a driver's license or permit because of his age.

If a licensee under this Code is convicted of violating Section 6-101 for operating a motor vehicle during a time when such licensee's driver's license was invalid under the provisions of Section 6-110, then conviction under such circumstances shall be punishable by a fine of not more than \$25.

If a licensee under this Code is convicted of violating Section 6-303 for operating a motor vehicle during a time when such licensee's driver's license was suspended under the provisions of Section 6-306.3, then such act shall be a petty offense (provided the licensee has answered the charge which was the basis of the suspension under Section 6-306.3), and there shall be imposed no additional like period of suspension as provided in paragraph (b) of Section 6-303.

(Source: P.A. 92-647, eff. 1-1-03.)

(625 ILCS 5/15-107) (from Ch. 95 1/2, par. 15-107)

Sec. 15-107. Length of vehicles.

(a) The maximum length of a single vehicle on any highway of this State may not exceed 42 feet except the following:

(1) Semitrailers.

(2) Charter or regulated route buses may be up to 45 feet in length, not including energy absorbing bumpers.

(a-1) A motor home as defined in Section 1-145.01 may be up to 45 feet in length, not including energy absorbing bumpers. The length limitations described in this subsection (a-1) shall be exclusive of energy-absorbing bumpers and rear view mirrors.

(b) On all non-State highways, the maximum length of vehicles in combinations is as follows:

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(1) A truck tractor in combination with a semitrailer may not exceed 55 feet overall dimension.

(2) A truck tractor-semitrailer-trailer may not exceed 60 feet overall dimension.

(3) Combinations specially designed to transport motor vehicles or boats may not exceed 60 feet overall dimension.

Vehicles operating during daylight hours when transporting poles, pipes, machinery, or other objects of a structural nature that cannot readily be dismembered are exempt from length limitations, provided that no object may exceed 80 feet in length and the overall dimension of the vehicle including the load may not exceed 100 feet. This exemption does not apply to operation on a Saturday, Sunday, or legal holiday. Legal holidays referred to in this Section are the days on which the following traditional holidays are celebrated: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties are exempt from length limitations, provided that during night operations every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps on the extreme ends of any projecting load to clearly mark the dimensions of the load.

A tow truck in combination with a disabled vehicle or combination of disabled vehicles, as provided in paragraph (6) of subsection (c) of this Section, is exempt from length limitations.

All other combinations not listed in this subsection (b) may not exceed 60 feet overall dimension.

(c) Combinations of vehicles may not exceed a total of 2 vehicles except the following:

(1) A truck tractor semitrailer may draw one trailer.

(2) A truck tractor semitrailer may draw one converter dolly.

(3) A truck tractor semitrailer may draw one vehicle that is defined in Chapter 1 as special mobile equipment, provided the overall dimension does not exceed 60 feet.

(4) A truck in transit may draw 3 trucks in transit coupled together by the triple saddlemount method.

(5) Recreational vehicles consisting of 3 vehicles, provided the following:

(A) The total overall dimension does not exceed 60 feet.

(B) The towing vehicle is a properly registered vehicle capable of towing another vehicle using a fifth-wheel type assembly.

(C) The second vehicle in the combination of vehicles is a recreational vehicle that is towed by a fifth-wheel assembly. This vehicle must be properly registered and must be equipped with brakes, regardless of weight.

(D) The third vehicle must be the lightest of the 3 vehicles and be a trailer or semitrailer designed or used for transporting a boat, all-terrain vehicle, personal watercraft, or motorcycle.

(E) The towed vehicles may be only for the use of the operator of the towing vehicle.

(F) All vehicles must be properly equipped with operating brakes and safety equipment required by this Code, except the additional brake requirement in subdivision (C) of this subparagraph (5).

(6) A tow truck in combination with a disabled vehicle or

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combination of disabled vehicles, provided the towing vehicle:

(A) Is specifically designed as a tow truck having a gross vehicle weight rating of at least 18,000 pounds and equipped with air brakes, provided that air brakes are required only if the towing vehicle is towing a vehicle, semitrailer, or tractor-trailer combination that is equipped with air brakes. For the purpose of this subsection, gross vehicle weight rating, or GVWR, means the value specified by the manufacturer as the loaded weight of the tow truck.

(B) Is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions.

(C) Is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles.

(D) Does not engage a tow exceeding 50 highway miles from the initial point of wreck or disablement to a place of repair. Any additional movement of the vehicles may occur only upon issuance of authorization for that movement under the provisions of Sections 15-301 through 15-319 of this Code.

The Department may by rule or regulation prescribe additional requirements regarding length limitations for a tow truck towing another vehicle.

For purposes of this Section, a tow-dolly that merely serves as substitute wheels for another legally licensed vehicle is considered part of the licensed vehicle and not a separate vehicle.

(d) On Class I highways there are no overall length limitations on motor vehicles operating in combinations provided:

(1) The length of a semitrailer, unladen or with load, in combination with a truck tractor may not exceed 53 feet.

(2) The distance between the kingpin and the center of the rear axle of a semitrailer longer than 48 feet, in combination with a truck tractor, may not exceed 45 feet 6 inches.

(3) The length of a semitrailer or trailer, unladen or with load, operated in a truck tractor-semi-trailer-trailer combination, may not exceed 28 feet 6 inches.

(4) Maxi-cube combinations, as defined in Chapter 1, may not exceed 65 feet overall dimension.

(5) Combinations of vehicles specifically designed to transport motor vehicles or boats may not exceed 65 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(6) Stinger steered semitrailer vehicles as defined in Chapter 1, specifically designed to transport motor vehicles or boats, may not exceed 75 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(7) A truck in transit transporting 3 trucks coupled together by the triple saddlemount method may not exceed 75 feet overall dimension.

Vehicles operating during daylight hours when transporting poles, pipes, machinery, or other objects of a structural nature that cannot readily be dismembered are exempt from length limitations, provided that no object may exceed 80 feet in length and the overall dimension of the vehicle including the load may not exceed 100 feet. This exemption does not apply to operation on a Saturday, Sunday, or legal holiday. Legal holidays referred to in this Section are the days on which the following traditional holidays are celebrated: New Year's

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Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties are exempt from length limitations, provided that during night operations every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps on the extreme ends of any projecting load to clearly mark the dimensions of the load.

A tow truck in combination with a disabled vehicle or combination of disabled vehicles, as provided in paragraph (6) of subsection (c) of this Section, is exempt from length limitations.

The length limitations described in this paragraph (d) shall be exclusive of safety and energy conservation devices, such as bumpers, refrigeration units or air compressors and other devices, that the Department may interpret as necessary for safe and efficient operation; except that no device excluded under this paragraph shall have by its design or use the capability to carry cargo.

Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to the designation of highways under this paragraph (d).

(e) On Class II highways there are no overall length limitations on motor vehicles operating in combinations, provided:

(1) The length of a semitrailer, unladen or with load, in combination with a truck tractor, may not exceed 53 feet overall dimension.

(2) The distance between the kingpin and the center of the rear axle of a semitrailer longer than 48 feet, in combination with a truck tractor, may not exceed 45 feet 6 inches.

(3) A truck tractor-semitrailer-trailer combination may not exceed 65 feet in overall dimension from front axle to rear axle.

(4) The length of a semitrailer or trailer, unladen or with load, operated in a truck tractor-semitrailer-trailer combination, may not exceed 28 feet 6 inches.

(5) Maxi-cube combinations, as defined in Chapter 1, may not exceed 65 feet overall dimension.

(6) A combination of vehicles, specifically designed to transport motor vehicles or boats, may not exceed 65 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(7) Stinger steered semitrailer vehicles, as defined in Chapter 1, specifically designed to transport motor vehicles or boats, may not exceed 75 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(8) A truck in transit transporting 3 trucks coupled together by the triple saddlemount method may not exceed 75 feet overall dimension.

Vehicles operating during daylight hours when transporting poles, pipes, machinery, or other objects of a structural nature that cannot readily be dismembered are exempt from length limitations, provided that no object may exceed 80 feet in length and the overall dimension of the vehicle including the load may not exceed 100 feet. This exemption does not apply to operation on a Saturday, Sunday, or legal holiday. Legal holidays referred to in this Section are the days on which the following traditional holidays are celebrated: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

Vehicles and loads operated by a public utility while en route to

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make emergency repairs to public service facilities or properties are exempt from length limitations, provided that during night operations every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps on the extreme ends of any projecting load to clearly mark the dimensions of the load.

A tow truck in combination with a disabled vehicle or combination of disabled vehicles, as provided in paragraph (6) of subsection (c) of this Section, is exempt from length limitations.

Local authorities and road district commissioners, with respect to streets and highways under their jurisdiction, may also by ordinance or resolution allow length limitations of this subsection (e).

The length limitations described in this paragraph (e) shall be exclusive of safety and energy conservation devices, such as bumpers, refrigeration units or air compressors and other devices, that the Department may interpret as necessary for safe and efficient operation; except that no device excluded under this paragraph shall have by its design or use the capability to carry cargo.

(e-1) Combinations of vehicles not exceeding 65 feet overall length are allowed access as follows:

(1) From any State designated highway onto any county, township, or municipal highway for a distance of 5 highway miles for the purpose of loading and unloading, provided:

(A) The vehicle does not exceed 73,280 pounds in gross weight and 8 feet 6 inches in width.

(B) There is no sign prohibiting that access.

(C) The route is not being used as a thoroughfare between State designated highways.

(2) From any State designated highway onto any county or township highway for a distance of 5 highway miles or onto any municipal highway for a distance of one highway mile for the purpose of food, fuel, repairs, and rest, provided:

(A) The vehicle does not exceed 73,280 pounds in gross weight and 8 feet 6 inches in width.

(B) There is no sign prohibiting that access.

(C) The route is not being used as a thoroughfare between State designated highways.

(e-2) Except as provided in subsection (e-3), combinations of vehicles over 65 feet in length, with no overall length limitation except as provided in subsections (d) and (e) of this Section, are allowed access as follows:

(1) From a Class I highway onto any street or highway for a distance of one highway mile for the purpose of loading, unloading, food, fuel, repairs, and rest, provided there is no sign prohibiting that access.

(2) From a Class I or Class II highway onto any State highway or any locally designated highway for a distance of 5 highway miles for the purpose of loading, unloading, food, fuel, repairs, and rest.

(e-3) Combinations of vehicles over 65 feet in length operated by household goods carriers, with no overall length limitations except as provided in subsections (d) and (e) of this Section, have unlimited access to points of loading and unloading.

Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to the designation of highways under this paragraph (e).

(f) On Class III and other non-designated State highways, the length limitations for vehicles in combination are as follows:

(1) Truck tractor-semitrailer combinations, must comply

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with either a maximum 55 feet overall wheel base or a maximum 65 feet extreme overall dimension.

(2) Semitrailers, unladen or with load, may not exceed 53 feet overall dimension.

(3) No truck tractor-semitrailer-trailer combination may exceed 60 feet extreme overall dimension.

(4) The distance between the kingpin and the center axle of a semitrailer longer than 48 feet, in combination with a truck tractor, may not exceed 42 feet 6 inches.

(g) Length limitations in the preceding subsections of this Section 15-107 do not apply to the following:

(1) Vehicles operated in the daytime, except on Saturdays, Sundays, or legal holidays, when transporting poles, pipe, machinery, or other objects of a structural nature that cannot readily be dismembered, provided the overall length of vehicle and load may not exceed 100 feet and no object exceeding 80 feet in length may be transported unless a permit has been obtained as authorized in Section 15-301.

(2) Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties, but during night operation every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of the load.

(3) A tow truck in combination with a disabled vehicle or combination of disabled vehicles, provided the towing vehicle meets the following conditions:

(A) It is specifically designed as a tow truck having a gross vehicle weight rating of at least 18,000 pounds and equipped with air brakes, provided that air brakes are required only if the towing vehicle is towing a vehicle, semitrailer, or tractor-trailer combination that is equipped with air brakes.

(B) It is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions.

(C) It is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles.

(D) It does not engage in a tow exceeding 50 miles from the initial point of wreck or disablement.

The Department may by rule or regulation prescribe additional requirements regarding length limitations for a tow truck towing another vehicle.

For the purpose of this subsection, gross vehicle weight rating, or GVWR, shall mean the value specified by the manufacturer as the loaded weight of the tow truck. Legal holidays referred to in this Section shall be specified as the day on which the following traditional holidays are celebrated:

New Year's Day;
Memorial Day;
Independence Day;
Labor Day;
Thanksgiving Day; and
Christmas Day.

(h) The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than 3 feet beyond the front wheels of the vehicle or the front bumper of the vehicle if it is equipped with a front bumper. The provisions of this subsection (h) shall not apply to any vehicle or

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combination of vehicles specifically designed for the collection and transportation of waste, garbage, or recyclable materials during the vehicle's operation in the course of collecting garbage, waste, or recyclable materials if the vehicle is traveling at a speed not in excess of 15 miles per hour during the vehicle's operation and in the course of collecting garbage, waste, or recyclable materials. However, in no instance shall the load extend more than 7 feet beyond the front wheels of the vehicle or the front bumper of the vehicle if it is equipped with a front bumper.

(i) The load upon the front vehicle of a combination of vehicles specifically designed to transport motor vehicles shall not extend more than 3 feet beyond the foremost part of the transporting vehicle and the load upon the rear transporting vehicle shall not extend more than 4 feet beyond the rear of the bed or body of the vehicle. This paragraph shall only be applicable upon highways designated in paragraphs (d) and (e) of this Section.

(j) Articulated vehicles comprised of 2 sections, neither of which exceeds a length of 42 feet, designed for the carrying of more than 10 persons, may be up to 60 feet in length, not including energy absorbing bumpers, provided that the vehicles are:

1. operated by or for any public body or motor carrier authorized by law to provide public transportation services; or
2. operated in local public transportation service by any other person and the municipality in which the service is to be provided approved the operation of the vehicle.

(j-1) (Blank).

(k) Any person who is convicted of violating this Section is subject to the penalty as provided in paragraph (b) of Section 15-113.

(l) (Blank).

(Source: P.A. 92-417, eff. 1-1-02; 92-766, eff. 1-1-03.)

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the bill, as amended, was ordered to a third reading.

HOUSE BILLS RECALLED

On motion of Senator Luechtefeld, House Bill No. 800 was recalled from the order of third reading to the order of second reading.

Senator Luechtefeld offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 800 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by adding Section 370u as follows:

(215 ILCS 5/370u new)

Sec. 370u. Independent contractor compensation. All noninstitutional providers and other providers shall be permitted to compensate, on the basis of a percentage of the providers' fees or collections, any independent contractor (including, but not limited to, an administrator, insurer, and health maintenance organization licensed under the Health Maintenance Organization Act) for non-health care services provided in connection with the management, marketing, administration, formation, and maintenance of provider networks offered or available to any person, including insured or

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self-insured employers or employee benefit trust funds. To the extent of any conflict between this provision and any other statutory provision, this provision prevails over the conflicting provision.

Section 99. Effective date. This Act takes effect on June 1, 2003."

The motion prevailed and the amendment was adopted and ordered printed.

And House Bill No. 800, as amended, was returned to the order of third reading.

On motion of Senator Weaver, House Bill No. 1268 was recalled from the order of third reading to the order of second reading.

Senator Peterson offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1268 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Income Tax Act is amended by changing Section 405 as follows:

(35 ILCS 5/405)

Sec. 405. Carryovers in certain acquisitions.

(a) In the case of the acquisition of assets of a corporation by another corporation described in Section 381(a) of the Internal Revenue Code, the acquiring corporation shall succeed to and take into account, as of the close of the day of distribution or transfer, all Article 2 credits and net losses under Section 207 of the corporation from which the assets were acquired.

(b) In the case of the acquisition of assets of a partnership by another partnership in a transaction in which the acquiring partnership is considered to be a continuation of the partnership from which the assets were acquired under the provisions of Section 708 of the Internal Revenue Code and any regulations promulgated under that Section, the acquiring partnership shall succeed to and take into account, as of the close of the day of distribution or transfer, all Article 2 credits and net losses under Section 207 of the partnership from which the assets were acquired.

(b-5) No limitation under Section 382 of the Internal Revenue Code or the separate return limitation year regulations promulgated under Section 1502 of the Internal Revenue Code shall apply to the carryover of any Article 2 credit or net loss allowable under Section 207.

(b-10) If on the termination of an estate or trust, the estate or trust has a net loss carryforward under Section 207, that carryforward shall be allowed to the beneficiaries succeeding to the property of the estate or trust in the same manner as allowed in Section 642(h) of the Internal Revenue Code.

(c) The provisions of this ~~Section~~ amendatory Act of the 91st General Assembly shall apply to all acquisitions occurring in taxable years ending on or after December 31, 1986; provided that if a taxpayer's Illinois income tax liability for any taxable year, as assessed under Section 903 prior to January 1, 1999, was computed without taking into account all of the Article 2 credits and net losses under Section 207 as allowed by subsections (a) and (b) of this Section:

(1) no refund shall be payable to the taxpayer for that taxable year as the result of allowing any portion of the Article 2 credits or net losses under Section 207 that were not taken into account in computing the tax assessed prior to January 1,

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1999;

(2) any deficiency which has not been paid may be reduced (but not below zero) by the allowance of some or all of the Article 2 credits or net losses under Section 207 that were not taken into account in computing the tax assessed prior to January 1, 1999; and

(3) in the case of any Article 2 credit or net loss under Section 207 that, pursuant to this subsection (c), could not be taken into account either in computing the tax assessed prior to January 1, 1999 for a taxable year or in reducing a deficiency for that taxable year under paragraph (2) of subsection (c), the allowance of such credit or loss in any other taxable year shall not be denied on the grounds that such credit or loss should properly have been claimed in that taxable year under subsection (a) or (b).

(Source: P.A. 91-541, eff. 8-13-99; 91-913, eff. 1-1-01.)

Section 99. Effective date. This Act takes effect upon becoming law."

The motion prevailed and the amendment was adopted and ordered printed.

And House Bill No. 1268, as amended, was returned to the order of third reading.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Noland, House Bill No. 2463 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Licensed Activities, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2463 by replacing everything after the enacting clause with the following:

"Section 5. The Pharmacy Practice Act of 1987 is amended by changing Sections 3, 10, 14, 15, 18, 19, 22, 27, and 30 and adding Section 17.1 as follows:

(225 ILCS 85/3) (from Ch. 111, par. 4123)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3. Definitions. For the purpose of this Act, except where otherwise limited therein:

(a) "Pharmacy" or "drugstore" means and includes every store, shop, pharmacy department, or other place where pharmaceutical care is provided by a pharmacist (1) where drugs, medicines, or poisons are dispensed, sold or offered for sale at retail, or displayed for sale at retail; or (2) where prescriptions of physicians, dentists, veterinarians, podiatrists, or therapeutically certified optometrists, within the limits of their licenses, are compounded, filled, or dispensed; or (3) which has upon it or displayed within it, or affixed to or used in connection with it, a sign bearing the word or words "Pharmacist", "Druggist", "Pharmacy", "Pharmaceutical Care", "Apothecary", "Drugstore", "Medicine Store", "Prescriptions", "Drugs", "Medicines", or any word or words of similar or like import, either in the English language or any other language; or (4) where the characteristic prescription sign (Rx) or similar design is exhibited; or (5) any store, or shop, or other place with respect to which any of the above words, objects, signs or designs are used in any advertisement.

(b) "Drugs" means and includes (1) articles recognized in the

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official United States Pharmacopoeia/National Formulary (USP/NF), or any supplement thereto and being intended for and having for their main use the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals, as approved by the United States Food and Drug Administration, but does not include devices or their components, parts, or accessories; and (2) all other articles intended for and having for their main use the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals, as approved by the United States Food and Drug Administration, but does not include devices or their components, parts, or accessories; and (3) articles (other than food) having for their main use and intended to affect the structure or any function of the body of man or other animals; and (4) articles having for their main use and intended for use as a component or any articles specified in clause (1), (2) or (3); but does not include devices or their components, parts or accessories.

(c) "Medicines" means and includes all drugs intended for human or veterinary use approved by the United States Food and Drug Administration.

(d) "Practice of pharmacy" means the provision of pharmaceutical care to patients as determined by the pharmacist's professional judgment in the following areas, which may include but are not limited to (1) patient counseling, (2) interpretation and assisting in the monitoring of appropriate drug use and prospective drug utilization review, (3) providing information on the therapeutic values, reactions, drug interactions, side effects, uses, selection of medications and medical devices, and outcome of drug therapy, (4) participation in drug selection, drug monitoring, drug utilization review, evaluation, administration, interpretation, application of pharmacokinetic and laboratory data to design safe and effective drug regimens, (5) drug research (clinical and scientific), and (6) compounding and dispensing of drugs and medical devices.

(e) "Prescription" means and includes any written, oral, facsimile, or electronically transmitted order for drugs or medical devices, issued by a physician licensed to practice medicine in all its branches, dentist, veterinarian, or podiatrist, or therapeutically certified optometrist, within the limits of their licenses, by a physician assistant in accordance with subsection (f) of Section 4, or by an advanced practice nurse in accordance with subsection (g) of Section 4, containing the following: (1) name of the patient; (2) date when prescription was issued; (3) name and strength of drug or description of the medical device prescribed; and (4) quantity, (5) directions for use, (6) prescriber's name, address and signature, and (7) DEA number where required, for controlled substances. DEA numbers shall not be required on inpatient drug orders.

(f) "Person" means and includes a natural person, copartnership, association, corporation, government entity, or any other legal entity.

(g) "Department" means the Department of Professional Regulation.

(h) "Board of Pharmacy" or "Board" means the State Board of Pharmacy of the Department of Professional Regulation.

(i) "Director" means the Director of Professional Regulation.

(j) "Drug product selection" means the interchange for a prescribed pharmaceutical product in accordance with Section 25 of this Act and Section 3.14 of the Illinois Food, Drug and Cosmetic Act.

(k) "Inpatient drug order" means an order issued by an authorized prescriber for a resident or patient of a facility

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licensed under the Nursing Home Care Act or the Hospital Licensing Act, or "An Act in relation to the founding and operation of the University of Illinois Hospital and the conduct of University of Illinois health care programs", approved July 3, 1931, as amended, or a facility which is operated by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) or the Department of Corrections.

(k-5) "Pharmacist" means an individual currently licensed by this State to engage in the practice of pharmacy.

(l) "Pharmacist in charge" means the licensed pharmacist whose name appears on a pharmacy license and who is responsible for all aspects of the operation related to the practice of pharmacy.

(m) "Dispense" means the delivery of drugs and medical devices, in accordance with applicable State and federal laws and regulations, to the patient or the patient's representative authorized to receive these products, including the compounding, packaging, and labeling necessary for delivery, and any recommending or advising concerning the contents and therapeutic values and uses thereof. "Dispense" does not mean the physical delivery to a patient or a patient's representative in a home or institution by a designee of a pharmacist or by common carrier. "Dispense" also does not mean the physical delivery of a drug or medical device to a patient or patient's representative by a pharmacist's designee within a pharmacy or drugstore while the pharmacist is on duty and the pharmacy is open.

(n) "Mail-order pharmacy" means a pharmacy that is located in a state of the United States, other than Illinois, that delivers, dispenses or distributes, through the United States Postal Service or other common carrier, to Illinois residents, any substance which requires a prescription.

(o) "Compounding" means the preparation, mixing, assembling, packaging, or labeling of a drug or medical device: (1) as the result of a practitioner's prescription drug order or initiative that is dispensed pursuant to a prescription in the course of professional practice; or (2) for the purpose of, or incident to, research, teaching, or chemical analysis; or (3) in anticipation of prescription drug orders based on routine, regularly observed prescribing patterns.

(p) "Confidential information" means information, maintained by the pharmacist in the patient's records, released only (i) to the patient or, as the patient directs, to other practitioners and other pharmacists or (ii) to any other person authorized by law to receive the information.

(q) "Prospective drug review" or "drug utilization evaluation" means a screening for potential drug therapy problems due to therapeutic duplication, drug-disease contraindications, drug-drug interactions (including serious interactions with nonprescription or over-the-counter drugs), drug-food interactions, incorrect drug dosage or duration of drug treatment, drug-allergy interactions, and clinical abuse or misuse.

(r) "Patient counseling" means the communication between a pharmacist or a student pharmacist under the direct supervision of a pharmacist and a patient or the patient's representative about the patient's medication or device for the purpose of optimizing proper use of prescription medications or devices. The offer to counsel by the pharmacist or the pharmacist's designee, and subsequent patient counseling by the pharmacist or student pharmacist, shall be made in a face-to-face communication with the patient or patient's representative unless, in the professional judgment of the pharmacist, a face-to-face communication is deemed inappropriate or unnecessary. In that instance, the offer to counsel or patient

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counseling may be made in a written communication, by telephone, or in a manner determined by the pharmacist to be appropriate.

(s) "Patient profiles" or "patient drug therapy record" means the obtaining, recording, and maintenance of patient prescription and personal information.

(t) "Pharmaceutical care" includes, but is not limited to, the act of monitoring drug use and other patient care services intended to achieve outcomes that improve the patient's quality of life but shall not include the sale of over-the-counter drugs by a seller of goods and services who does not dispense prescription drugs.

(u) "Medical device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component part or accessory, required under federal law to bear the label "Caution: Federal law requires dispensing by or on the order of a physician". A seller of goods and services who, only for the purpose of retail sales, compounds, sells, rents, or leases medical devices shall not, by reasons thereof, be required to be a licensed pharmacy.

(v) "Unique identifier" means an electronic signature, handwritten signature or initials, thumb print, or other acceptable individual biometric or electronic identification process as approved by the Department.

(Source: P.A. 89-202, eff. 7-21-95; 89-507, eff. 7-1-97; 90-116, eff. 7-14-97; 90-253, eff. 7-29-97; 90-655, eff. 7-30-98; 90-742, eff. 8-13-98.)

(225 ILCS 85/10) (from Ch. 111, par. 4130)

(Section scheduled to be repealed on January 1, 2008)

Sec. 10. State Board of Pharmacy. There is created in the Department the State Board of Pharmacy. It shall consist of 9 members, 7 of whom shall be licensed pharmacists. Each of those 7 members must be a licensed pharmacist in good standing in this State, a graduate of an accredited college of pharmacy or hold a Bachelor of Science degree in Pharmacy and have at least 5 years' practical experience in the practice of pharmacy subsequent to the date of his licensure as a licensed pharmacist in the State of Illinois. There shall be 2 public members, who shall be voting members, who shall not be licensed pharmacists in this State or any other state.

Each member shall be appointed by the Governor.

The terms of all members serving as of March 31, 1999 shall expire on that date. The Governor shall appoint 3 persons to serve one-year terms, 3 persons to serve 3-year terms, and 3 persons to serve 5-year terms to begin April 1, 1999. Otherwise, members shall be appointed to 5 year terms. No member shall be eligible to serve more than 12 consecutive years.

In making the appointment of members on the Board, the Governor shall give due consideration to recommendations by the members of the profession of pharmacy and by pharmaceutical organizations therein. The Governor shall notify the pharmaceutical organizations promptly of any vacancy of members on the Board and in appointing members shall give consideration to individuals engaged in all types and settings of pharmacy practice.

The Governor may remove any member of the Board for misconduct, incapacity or neglect of duty and he shall be the sole judge of the sufficiency of the cause for removal.

Every person appointed a member of the Board shall take and subscribe the constitutional oath of office and file it with the Secretary of State. Each member of the Board shall be reimbursed for such actual and legitimate expenses as he may incur in going to and from the place of meeting and remaining thereat during sessions of the Board. In addition, each member of the Board shall receive a per

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diem payment in an amount determined from time to time by the Director for attendance at meetings of the Board and conducting other official business of the Board.

The Board shall hold quarterly meetings and an annual meeting in January of each year and such other meetings at such times and places and upon such notice as the Board may determine and as its business may require. Five members of the Board shall constitute a quorum for the transaction of business. The Director shall appoint a pharmacy coordinator, who shall be someone other than a member of the Board. The pharmacy coordinator shall be a registered pharmacist in good standing in this State, shall be a graduate of an accredited college of pharmacy, or hold at a minimum a Bachelor of Science degree in Pharmacy and shall have at least 5 years' experience in the practice of pharmacy immediately prior to his appointment. The pharmacy coordinator shall be the executive administrator and the chief enforcement officer of the Pharmacy Practice Act of 1987.

The Board shall exercise the rights, powers and duties which have been vested in the Board under this Act, and any other duties conferred upon the Board by law.

The Director shall, in conformity with the Personnel Code, employ not less than 7 pharmacy investigators and 2 pharmacy supervisors. Each pharmacy investigator and each supervisor shall be a registered pharmacist in good standing in this State, and shall be a graduate of an accredited college of pharmacy and have at least 5 years of experience in the practice of pharmacy. The Department shall also employ at least one attorney who is a pharmacist to prosecute violations of this Act and its rules. The Department may, in conformity with the Personnel Code, employ such clerical and other employees as are necessary to carry out the duties of the Board.

The duly authorized pharmacy investigators of the Department shall have the right to enter and inspect during business hours any pharmacy or any other place in the State of Illinois holding itself out to be a pharmacy where medicines or drugs or drug products or proprietary medicines are sold, offered for sale, exposed for sale, or kept for sale. Except as otherwise provided below, the pharmacy investigators shall be the only Department investigators authorized to inspect, investigate, and monitor probation compliance of pharmacists, and pharmacies, and pharmacy technicians. The Department may authorize any agent to monitor a pharmacist's or pharmacy technician's probation in cases of addiction or impairment relating to drugs or alcohol.

(Source: P.A. 90-253, eff. 7-29-97; 91-827, eff. 6-13-00; revised 12-07-01.)

(225 ILCS 85/14) (from Ch. 111, par. 4134)

(Section scheduled to be repealed on January 1, 2008)

Sec. 14. Structural and equipment requirements. No person shall establish or move to a new location any pharmacy unless the pharmacy is licensed with the Department and has on file with the Department a verified statement that:

(1) such pharmacy is or will be engaged in the practice of pharmacy; and

(2) such pharmacy will have in stock and shall maintain sufficient drugs or and materials as to protect the public it serves within 30 days after the issuance of the registration of the pharmacy.

Division I, II, III, IV, or V pharmacies shall be in a suitable, well-lighted and well-ventilated area with at least 300 square feet of clean and sanitary contiguous space and shall be suitably equipped for compounding prescriptions, storage of drugs and sale of drugs and to otherwise conduct the practice of pharmacy. The space occupied

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shall be equipped with a sink with hot and cold water or facilities for heating water, proper sewage outlet, refrigeration storage equipment, and such fixtures, facilities, drugs, equipment and material, which shall include the current editions of the United States Pharmacopoeia/DI, Facts and Comparisons, or any other current compendium approved by the Department, and other such reference works, as will enable a pharmacist to practice pharmacy, including this Act and the rules promulgated under this Act. Such pharmacy shall have the following items: accurate weights of 0.5 gr. to 4 oz. and 20 mg to 100 Gm; and a prescription balance equipped with balance indicator and with mechanical means of arresting the oscillations of the mechanism and which balance shall be sensitive to 0.5 grain (32 mg) or less or an alternative weighing device as approved by the Department, and such other measuring devices as may be necessary for the conduct of the practice of pharmacy.

The provisions of this Section with regard to 300 square feet of space shall apply to any pharmacy which is opened after the effective date of this Act. Nothing shall require a pharmacy in existence on the effective date of this Act which is comprised of less than 300 square feet to provide additional space to meet these requirements.

(Source: P.A. 90-253, eff. 7-29-97.)

(225 ILCS 85/15) (from Ch. 111, par. 4135)

(Section scheduled to be repealed on January 1, 2008)

Sec. 15. Pharmacy requirements. It shall be unlawful for the owner of any pharmacy, as defined in this Act, to operate or conduct the same, or to allow the same to be operated or conducted, unless:

(a) It has a licensed pharmacist, authorized to practice pharmacy in this State under the provisions of this Act, on duty whenever the practice of pharmacy is conducted;

(b) Security provisions for all drugs and devices, as determined by rule of the Department, are provided during the absence from the licensed pharmacy of all licensed pharmacists. Maintenance of security provisions is the responsibility of the licensed registered pharmacist in charge; and

(c) The pharmacy is licensed under this Act to do business.

The Department shall, by rule, provide requirements for each division of pharmacy license and shall, as well provide guidelines for the designation of a registered pharmacist in charge for each division.

Division I. Retail Licenses for pharmacies which are open to, or offer pharmacy services to, the general public.

Division II. Licenses for pharmacies whose primary pharmacy service is provided to patients or residents of facilities licensed under the Nursing Home Care Act or the Hospital Licensing Act, or "An Act in relation to the founding and operation of the University of Illinois Hospital and the conduct of University of Illinois health care programs", approved July 3, 1931, as amended, and which are not located in the facilities they serve.

Division III. Licenses for pharmacies which are located in a facility licensed under the Nursing Home Care Act or the Hospital Licensing Act, or "An Act in relation to the founding and operation of the University of Illinois Hospital and the conduct of University of Illinois health care programs", approved July 3, 1931, as amended, or a facility which is operated by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) or the Department of Corrections, and which provide pharmacy services to residents or patients of the facility, as well as employees, prescribers and students of the facility.

Division IV. Licenses for pharmacies which provide or offer for sale radioactive materials.

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Division V. Licenses for pharmacies which hold licenses in Division II or Division III which also provide pharmacy services to the general public, or pharmacies which are located in or whose primary pharmacy service is to ambulatory care facilities or schools of veterinary medicine or other such institution or facility.

Division VI. Licenses for pharmacies in which the practice of pharmacy is conducted without the compounding and dispensing of drugs or medical devices.

Division VII. Licenses for pharmacies in which a specialized area of pharmacy is currently being practiced, but is not addressed by one or more of the current divisions of licenses.

The Director may waive the requirement for a pharmacist to be on duty at all times for State facilities not treating human ailments.

It shall be unlawful for any person, who is not a licensed pharmacy or health care facility, to purport to be such or to use in name, title, or sign designating, or in connection with that place of business, any of the words: "pharmacy", "pharmacist", "pharmacy department", "apothecary", "druggist", "drug", "drugs", "medicines", "medicine store", "drug sundries", "prescriptions filled", or any list of words indicating that drugs are compounded or sold to the lay public, or prescriptions are dispensed therein. Each day during which, or a part which, such representation is made or appears or such a sign is allowed to remain upon or in such a place of business shall constitute a separate offense under this Act.

The holder of any license or certificate of registration shall conspicuously display it in the pharmacy in which he is engaged in the practice of pharmacy. The registered pharmacist in charge shall conspicuously display his name in such pharmacy. The pharmacy license shall also be conspicuously displayed.

(Source: P.A. 89-507, eff. 7-1-97; 90-253, eff. 7-29-97.)

(225 ILCS 85/17.1 new)

(Section scheduled to be repealed on January 1, 2008)

Sec. 17.1. Pharmacy technician training.

(a) Beginning January 1, 2004, it shall be the joint responsibility of a pharmacy and its pharmacist in charge to have trained all of its pharmacy technicians or obtain proof of prior training in all of the following topics as they relate to the practice site:

(1) The duties and responsibilities of the technicians and pharmacists.

(2) Tasks and technical skills, policies, and procedures.

(3) Compounding, packaging, labeling, and storage.

(4) Pharmaceutical and medical terminology.

(5) Record keeping requirements.

(6) The ability to perform and apply arithmetic calculations.

(b) Within 3 months after initial employment or changing the duties and responsibilities of a pharmacy technician, it shall be the joint responsibility of the pharmacy and the pharmacist in charge to train the pharmacy technician or obtain proof of prior training in the areas listed in subsection (a) of this Section as they relate to the practice site.

(c) All divisions of pharmacies shall maintain an up-to-date training program describing the duties and responsibilities of a pharmacy technician.

(d) All divisions of pharmacies shall create and maintain retrievable records of training or proof of training as required in this Section.

(225 ILCS 85/18) (from Ch. 111, par. 4138)

(Section scheduled to be repealed on January 1, 2008)

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Sec. 18. Record retention. There shall be kept in every drugstore or pharmacy a suitable book, file, or electronic record keeping system in which shall be preserved for a period of not less than 5 years the original of every written prescription and the original transcript or copy of every verbal prescription filled, compounded, or dispensed, in such pharmacy; and such book or file of prescriptions shall at all reasonable times be open to inspection to the pharmacy coordinator and the duly authorized agents or employees of the Department.

Every prescription filled or refilled shall contain the unique identifier of the person authorized to practice pharmacy under the provision of this Act who fills or refills the prescription.

Records kept pursuant to this Section may be maintained in an alternative data retention system, such as a direct digital imaging system, provided that:

(1) the records maintained in the alternative data retention system contain all of the information required in a manual record;

(2) the data processing system is capable of producing a hard copy of the electronic record on the request of the Board, its representative, or other authorized local, State, or federal law enforcement or regulatory agency; and

(3) the digital images are recorded and stored only by means of a technology that does not allow subsequent revision or replacement of the images.

As used in this Section, "digital imaging system" means a system, including people, machines, methods of organization, and procedures, that provides input, storage, processing, communications, output, and control functions for digitized representations of original prescription records.

Inpatient drug orders may be maintained within an institution in a manner approved by the Department.

(Source: P.A. 90-253, eff. 7-29-97.)

(225 ILCS 85/19) (from Ch. 111, par. 4139)

(Section scheduled to be repealed on January 1, 2008)

Sec. 19. Nothing contained in this Act shall be construed to prohibit a pharmacist licensed in this State from filling or refilling a valid prescription for prescription drugs which is on file in a pharmacy licensed in any state and has been transferred from one pharmacy to another by any means, including by way of electronic data processing equipment upon the following conditions and exceptions:

(1) Prior to dispensing pursuant to any such prescription, the dispensing pharmacist shall:

(a) Advise the patient that the prescription on file at such other pharmacy must be canceled before he will be able to fill or refill it.

(b) Determine that the prescription is valid and on file at such other pharmacy and that such prescription may be filled or refilled, as requested, in accordance with the prescriber's intent expressed on such prescription.

(c) Notify the pharmacy where the prescription is on file that the prescription must be canceled.

(d) Record in writing the prescription order, the name of the pharmacy at which the prescription was on file, the prescription number, the name of the drug and the original amount dispensed, the date of original dispensing, and the number of remaining authorized refills.

(e) Obtain the consent of the prescriber to the refilling of the prescription when the prescription, in the professional

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judgment of the dispensing pharmacist, so requires. Any interference with the professional judgment of the dispensing pharmacist by any other registered pharmacist, his agents, or employees shall be grounds for revocation or suspension of the permit issued to the pharmacy.

(2) Upon receipt of a request for prescription information set forth in subparagraph (d) of paragraph (1) of this Section, if the requested pharmacist is satisfied in his professional judgment that such request is valid and legal, the requested pharmacist shall:

- (a) Provide such information accurately and completely.
- (b) Record on the face of the prescription the name of the requesting pharmacy and pharmacist and the date of request.
- (c) Cancel the prescription on file by writing the word "void" on its face. No further prescription information shall be given or medication dispensed pursuant to such original prescription.

(3) In the event that, after the information set forth in subparagraph (d) of paragraph (1) of this Section has been provided, a prescription is not dispensed by the requesting pharmacist, then such pharmacist shall provide notice of this fact to the pharmacy from which such information was obtained; such notice shall then cancel the prescription in the same manner as set forth in subparagraph (c) of paragraph (2) of this Section.

(4) When filling or refilling a valid prescription on file in another state, the dispensing pharmacist shall be required to follow all the requirements of Illinois law which apply to the dispensing of prescription drugs. If anything in Illinois law prevents the filling or refilling of the original prescription it shall be unlawful to dispense pursuant to this Section.

(5) Prescriptions for drugs in Schedules III, IV, and V of the Illinois Controlled Substances Act may be transferred only once and may not be further transferred.

(Source: P.A. 88-428.)

(225 ILCS 85/22) (from Ch. 111, par. 4142)

(Section scheduled to be repealed on January 1, 2008)

Sec. 22. Except only in the case of a drug, medicine or poison which is lawfully sold or dispensed, at retail, in the original and unbroken package of the manufacturer, packer, or distributor thereof, and which package bears the original label thereon showing the name and address of the manufacturer, packer, or distributor thereof, and the name of the drug, medicine, or poison therein contained, and the directions for its use, no person shall sell or dispense, at retail, any drug, medicine, or poison, without affixing to the box, bottle, vessel, or package containing the same, a label bearing the name of the article distinctly shown, and the directions for its use, with the name and address of the pharmacy wherein the same is sold or dispensed. However, in the case of a drug, medicine, or poison which is sold or dispensed pursuant to a prescription of a physician licensed to practice medicine in all of its branches, licensed dentist, licensed veterinarian, licensed podiatrist, or therapeutically or diagnostically certified optometrist authorized by law to prescribe drugs or medicines or poisons, the label affixed to the box, bottle, vessel, or package containing the same shall show: (a) the name and address of the pharmacy wherein the same is sold or dispensed; (b) the name or initials of the person, authorized to practice pharmacy under the provisions of this Act, selling or dispensing the same, (c) the date on which such prescription was filled; (d) the name of the patient; (e) the serial number of such prescription as filed in the prescription files; (f) the last name of the practitioner who prescribed such prescriptions; (g) the

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directions for use thereof as contained in such prescription; and (h) the proprietary name or names or the established name or names of the drugs, the dosage and quantity, except as otherwise authorized by regulation of the Department. ~~Any person who sells or dispenses any drug, medicine or poison shall sell or dispense such drug, medicine or poison in good faith. -- "Good faith", for purposes of this Section, has the meaning ascribed to it in subsection (u) of Section 102 of the "Illinois Controlled Substances Act", approved August 16, 1971, as amended.~~ The Department shall establish rules governing labeling in Division II and Division III pharmacies.

(Source: P.A. 90-253, eff. 7-29-97.)

(225 ILCS 85/27) (from Ch. 111, par. 4147)

(Section scheduled to be repealed on January 1, 2008)

Sec. 27. Fees. The following fees are not refundable.

(A) Certificate of pharmacy technician.

(1) The fee for application for a certificate of registration as a pharmacy technician is \$40.

(2) The fee for the renewal of a certificate of registration as a pharmacy technician shall be calculated at the rate of \$25 per year.

(B) License as a pharmacist.

(1) The fee for application for a license is \$75.

(2) In addition, applicants for any examination as a registered pharmacist shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

(3) The fee for a license as a registered pharmacist registered or licensed under the laws of another state or territory of the United States is \$200.

(4) The fee upon the renewal of a license shall be calculated at the rate of \$75 per year.

(5) The fee for the restoration of a certificate other than from inactive status is \$10 plus all lapsed renewal fees.

(6) Applicants for the preliminary diagnostic examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

(7) The fee to have the scoring of an examination authorized by the Department reviewed and verified is \$20 plus any fee charged by the applicable testing service.

(C) License as a pharmacy.

(1) The fee for application for a license for a pharmacy under this Act is \$100.

(2) The fee for the renewal of a license for a pharmacy under this Act shall be calculated at the rate of \$100 per year.

(3) The fee for the change of a pharmacist-in-charge is \$25.

(D) General Fees.

(1) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been

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lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate certification is issued.

(2) The fee for a certification of a registrant's record for any purpose is \$20.

(3) The fee to have the scoring of an examination administered by the Department reviewed and verified is \$20.

(4) The fee for a wall certificate showing licensure or registration shall be the actual cost of producing the certificate.

(5) The fee for a roster of persons registered as pharmacists or registered pharmacies in this State shall be the actual cost of producing the roster.

(6) The fee for pharmacy licensing, disciplinary or investigative records obtained pursuant to a subpoena is \$1 per page.

(E) Except as provided in subsection (F), all moneys received by the Department under this Act shall be deposited in the Illinois State Pharmacy Disciplinary Fund hereby created in the State Treasury and shall be used only for the following purposes: (a) by the State Board of Pharmacy in the exercise of its powers and performance of its duties, as such use is made by the Department upon the recommendations of the State Board of Pharmacy, (b) for costs directly related to license renewal of persons licensed under this Act, and (c) for direct and allocable indirect costs related to the public purposes of the Department of Professional Regulation.

Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized under Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).

The moneys deposited in the Illinois State Pharmacy Disciplinary Fund shall be invested to earn interest which shall accrue to the Fund. The Department shall present to the Board for its review and comment all appropriation requests from the Illinois State Pharmacy Disciplinary Fund. The Department shall give due consideration to any comments of the Board in making appropriation requests.

(F) From the money received for license renewal fees, \$5 from each pharmacist fee, and \$2.50 from each pharmacy technician fee, shall be set aside within the Illinois State Pharmacy Disciplinary Fund for the purpose of supporting a substance abuse program for pharmacists and pharmacy technicians. The State Board of Pharmacy shall, pursuant to all provisions of the Illinois Procurement Code, determine how and to whom the money set aside under this subsection is disbursed.

(G) (Blank).

(Source: P.A. 90-372, eff. 7-1-98; 91-239, eff. 1-1-00.)

(225 ILCS 85/30) (from Ch. 111, par. 4150)

(Section scheduled to be repealed on January 1, 2008)

Sec. 30. (a) In accordance with Section 11 of this Act, the Department may refuse to issue, restore, or renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary action as the Department may deem proper with regard to any license or certificate of registration for any one or combination of the following causes:

1. Material misstatement in furnishing information to the Department.
2. Violations of this Act, or the rules promulgated hereunder.
3. Making any misrepresentation for the purpose of obtaining licenses.

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4. A pattern of conduct which demonstrates incompetence or unfitness to practice.

5. Aiding or assisting another person in violating any provision of this Act or rules.

6. Failing, within 60 days, to respond to a written request made by the Department for information.

7. Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.

8. Discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth herein.

9. Directly or indirectly giving to or receiving from any person, firm, corporation, partnership or association any fee, commission, rebate or other form of compensation for any professional services not actually or personally rendered.

10. A finding by the Department that the licensee, after having his license placed on probationary status has violated the terms of probation.

11. Selling or engaging in the sale of drug samples provided at no cost by drug manufacturers.

12. Physical illness, including but not limited to, deterioration through the aging process, or loss of motor skill which results in the inability to practice the profession with reasonable judgment, skill or safety.

13. A finding that licensure or registration has been applied for or obtained by fraudulent means.

14. The applicant, or licensee has been convicted in state or federal court of any crime which is a felony or any misdemeanor related to the practice of pharmacy, of which an essential element is dishonesty.

15. Habitual or excessive use or addiction to alcohol, narcotics, stimulants or any other chemical agent or drug which results in the inability to practice with reasonable judgment, skill or safety.

16. Willfully making or filing false records or reports in the practice of pharmacy, including, but not limited to false records to support claims against the medical assistance program of the Department of Public Aid under the Public Aid Code.

17. Gross and willful overcharging for professional services including filing false statements for collection of fees for which services are not rendered, including, but not limited to, filing false statements for collection of monies for services not rendered from the medical assistance program of the Department of Public Aid under the Public Aid Code.

18. Repetitiously dispensing prescription drugs without receiving a written or oral prescription.

19. Upon a finding of a substantial discrepancy in a Department audit of a prescription drug, including controlled substances, as that term is defined in this Act or in the Illinois Controlled Substances Act.

20. Physical illness which results in the inability to practice with reasonable judgment, skill or safety, or mental incompetency as declared by a court of competent jurisdiction.

21. Violation of the Health Care Worker Self-Referral Act.

22. Failing to sell or dispense any drug, medicine, or poison in good faith. "Good faith", for the purposes of this Section, has the meaning ascribed to it in subsection (u) of Section 102 of the Illinois Controlled Substances Act.

23. Interfering with the professional judgment of a

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pharmacist by any registrant under this Act, or his or her agents or employees.

(b) The Department may refuse to issue or may suspend the license or registration of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(c) The Department shall revoke the license or certificate of registration issued under the provisions of this Act or any prior Act of this State of any person who has been convicted a second time of committing any felony under the Illinois Controlled Substances Act, or who has been convicted a second time of committing a Class 1 felony under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A person whose license or certificate of registration issued under the provisions of this Act or any prior Act of this State is revoked under this subsection (c) shall be prohibited from engaging in the practice of pharmacy in this State.

(d) In any order issued in resolution of a disciplinary proceeding, the Board may request any licensee found guilty of a charge involving a significant violation of subsection (a) of Section 5, or paragraph 19 of Section 30 as it pertains to controlled substances, to pay to the Department a fine not to exceed \$2,000.

(e) In any order issued in resolution of a disciplinary proceeding, in addition to any other disciplinary action, the Board may request any licensee found guilty of noncompliance with the continuing education requirements of Section 12 to pay the Department a fine not to exceed \$1000.

(f) The Department shall issue quarterly to the Board a status of all complaints related to the profession received by the Department.

(Source: P.A. 86-596; 86-1434; 86-1472; 87-1207.)

Section 99. Effective date. This Act takes effect upon becoming law."

Floor Amendment No. 2 was tabled pursuant to Senate Rule 5-4a.

Floor Amendment No. 3 was held in the Committee on Licensed Activities.

There being no further amendments, the bill, as amended, was ordered to a third reading.

MOTIONS IN WRITING

Senator Bomke submitted the following Motion in Writing:

I move that Senate Bill No. 2117 do pass, the specific recommendations of the Governor to the contrary notwithstanding.

Date: November 20, 2002

Larry Bomke
Senator

Senator Burzynski submitted the following Motion in Writing:

I move that Senate Bill No. 2155 do pass, the specific recommendations of the Governor to the contrary notwithstanding.

Date: November 20, 2002

J. Bradley Burzynski
Senator

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The foregoing Motions in Writing were filed with the Secretary and placed on the Senate Calendar.

CONSIDERATION OF SENATE AMENDMENT TO HOUSE BILL
ON SECRETARY'S DESK

On motion of Senator Luechtefeld, House Bill No. 3999, with Senate Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Luechtefeld moved that the Senate refuse to recede from its Amendment No. 1 to House Bill No. 3999 and that a First Committee of Conference consisting of five members on the part of the Senate and five members on the part of the House be appointed to adjust the differences between the two Houses in regard to said amendment.

The motion prevailed.

The President appointed as such Committee on the part of the Senate, the following: Senators Burzynski, Luechtefeld, Noland, Shaw and Silverstein.

Ordered that the Secretary inform the House of Representatives thereof.

CONSIDERATION OF GOVERNOR'S VETO MESSAGES

Pursuant to Motion in Writing filed and journalized earlier today, Senator Bomke moved that Senate Bill No. 2117 do pass, the specific recommendations of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

Yeas 36; Nays 18.

The following voted in the affirmative:

Bomke
Bowles
Brady
Burzynski
Cronin
DeLeo
Demuzio
Dillard
Donahue
Hawkinson
Jones, W.
Karpel
Lauzen
Link
Luechtefeld
Madigan
Mahar
Myers
Noland
O'Malley
O'Shea
Peterson
Petka
Radogno

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Rauschenberger
Roskam
Rupley
Shadid
Sieben
Stone
Sullivan
Syverson
Watson
Weaver
Woolard
Mr. President

The following voted in the negative:

Clayborne
Cullerton
del Valle
Halvorson
Hendon
Jacobs
Jones, E.
Lightford
Molaro
Munoz
Obama
O'Daniel
Shaw
Silverstein
Trotter
Viverito
Walsh
Welch

This bill, having received the vote of three-fifths of the members elected, was declared passed, the specific recommendations of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Pursuant to Motion in Writing filed and journalized earlier today, Senator Burzynski moved that Senate Bill No. 2155 do pass, the specific recommendations of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

Yeas 37; Nays 16.

The following voted in the affirmative:

Bomke
Brady
Burzynski
Clayborne
Cronin
Demuzio
Dillard
Donahue
Hawkinson

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Jacobs
 Jones, W.
 Karpel
 Lauzen
 Luechtefeld
 Mahar
 Munoz
 Myers
 Noland
 O'Malley
 O'Shea
 Peterson
 Petka
 Rauschenberger
 Roskam
 Rupley
 Shadid
 Sieben
 Stone
 Sullivan
 Syverson
 Viverito
 Walsh
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

The following voted in the negative:

Bowles
 Cullerton
 DeLeo
 del Valle
 Halvorson
 Hendon
 Jones, E.
 Lightford
 Link
 Madigan
 Obama
 O'Daniel
 Radogno
 Shaw
 Silverstein
 Trotter

This bill, having received the vote of three-fifths of the members elected, was declared passed, the specific recommendations of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

JOINT ACTION MOTION FILED

The following Joint Action Motion to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Rules:

[Nov. 20, 2002]

Motion to Concur in House Amendment 7 to Senate Bill 1171

COMMITTEE MEETING ANNOUNCEMENTS

Senator Hawkinson, Chairperson of the Committee on Judiciary announced that the Judiciary Committee will meet today in Room 400, Capitol Building, immediately after the adjournment of the Licensed Activities Committee.

Senator Burzynski, Chairperson of the Committee on Licensed Activities announced that the Licensed Activities Committee will meet today in Room 400, Capitol Building, immediately after adjournment.

Senator Petka, Vice-Chairperson of the Committee on Executive announced that the Executive Committee will meet Thursday, November 21, 2002 in Room 212, Capitol Building, at 8:30 o'clock a.m.

At the hour of 3:35 o'clock p.m., Senator Donahue presiding.

REPORTS FROM RULES COMMITTEE

Senator Weaver Chairperson of the Committee on Rules, to which was referred Senate Bill No. 1171 with House Amendment No. 7, on July 1, 2001, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And Senate Bill No. 1171 with House Amendment No. 7, was returned to the order of Secretary's Desk - Concurrence.

Senator Weaver, Chairperson of the Committee on Rules, during its November 20, 2002 meeting, reported the following Joint Action Motion has been assigned to the indicated Standing Committee of the Senate:

Executive: Motion to Concur with House Amendment 7 to Senate Bill 1171.

LEGISLATIVE MEASURE FILED

The following floor amendment to the House Bill listed below has been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 4 to House Bill 2463

At the hour of 3:36 o'clock p.m., on motion of Senator Weaver, the Senate stood adjourned until Thursday, November 21, 2002 at 9:00 o'clock a.m.

[Nov. 20, 2002]